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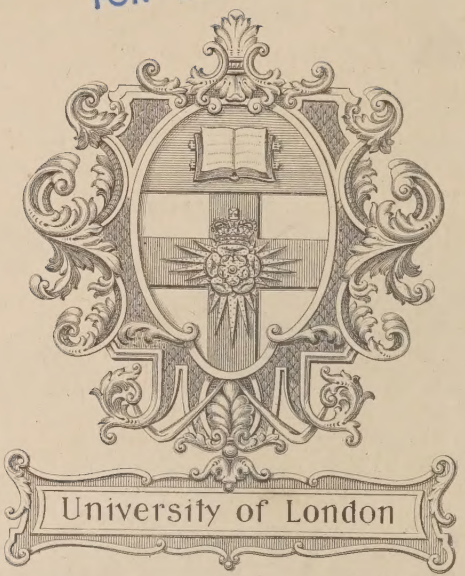

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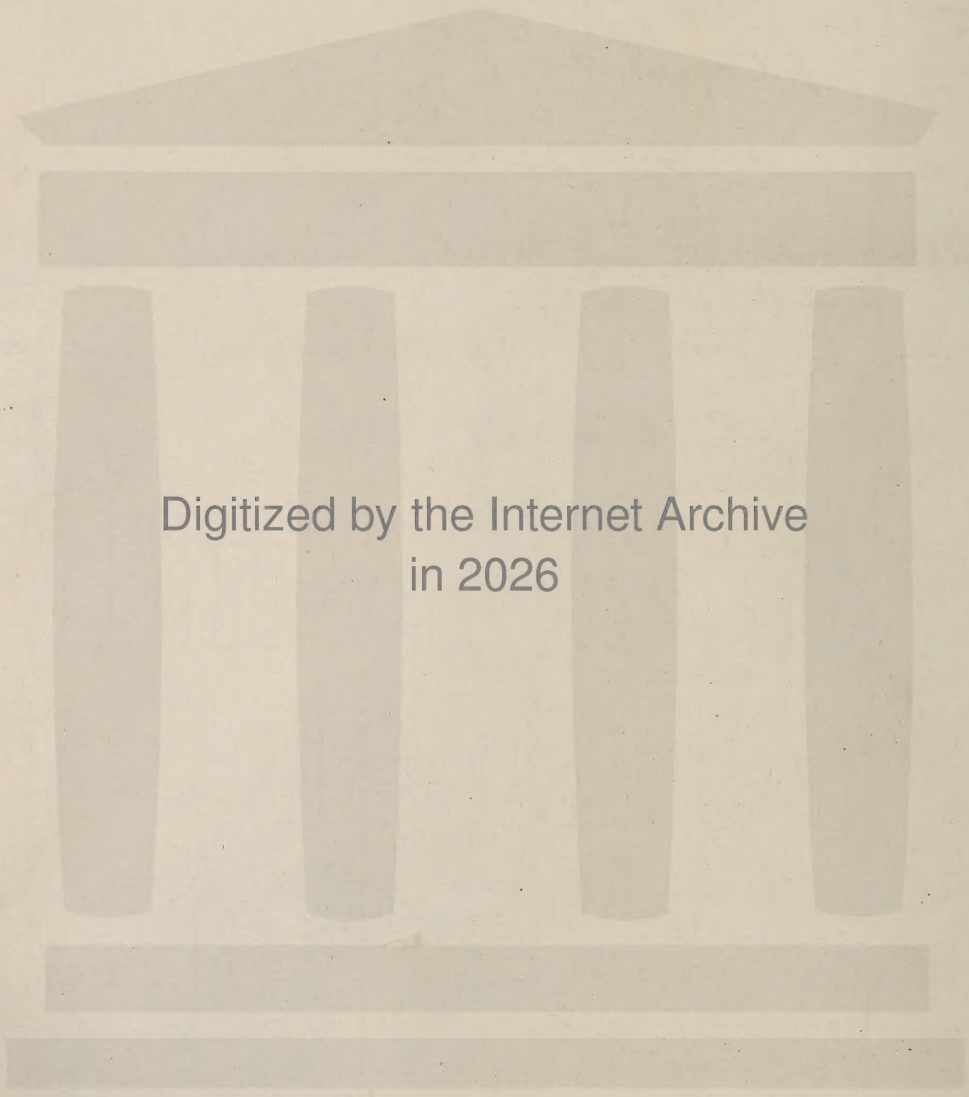
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REPORT

FROM THE

SELECT COMMITTEE

ON

SECONDARY PUNISHMENTS:

TOGETHER WITH

THE MINUTES OF EVIDENCE,

AN

APPENDIX OF PAPERS,

AND AN

INDEX.

Ordered, by The House of Commons, *to be Printed,*
27 *September* 1831.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the best mode of giving Efficiency to SECONDARY PUNISHMENTS, and to report their Observations thereupon to The House, and who were empowered to report the MINUTES OF THE EVIDENCE taken before them;——HAVE agreed to the following REPORT:

THE shortness of the time which has been afforded to Your Committee, and the vast importance of the subjects by which the attention of Parliament has been absorbed, have prevented Your Committee entering as fully as they could have wished into all the branches of inquiry connected with the subject to which their attention has been directed; they therefore do not feel themselves competent to recommend to The House any alteration in the mode of administering Secondary Punishments, until they shall have had an opportunity of further investigation.

For the information of The House, Your Committee have directed that the MINUTES OF THE EVIDENCE taken before them, together with several Documents, be reported; and they earnestly recommend to The House that the inquiry may be resumed at an early period in the ensuing Session.

27 September 1831.

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MINUTES OF EVIDENCE.

Veneris, 25° die Martii, 1831.

COLONEL DAVIES, IN THE CHAIR.

Anthony White, Esq. called in; and Examined.

Anthony White, Esq.

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1. ARE you surgeon to the Penitentiary?—I am the medical and surgical superintendent of the Penitentiary; there is a resident surgeon.

2. What is the general health of the prisoners confined in the Penitentiary?—At this moment?

3. Yes?—Very good indeed.

4. Are there many of them under solitary confinement?—On the last monthly inspection (on which day alone I see all the prisoners) there were only two, and they had been placed there on that day.

5. Have you had much experience of the effect of solitary confinement on prisoners?—A great deal, having been attached to the institution ever since it was first opened in 1816.

6. And what is your opinion of its effect on the health of the prisoners?—If protracted, it depresses them mentally, and also diminishes the general bodily powers; it has the effect of producing a diminution of what I should call the animal functions.

7. What do you mean by "protracted confinement?"—I mean of considerable duration: there are two modes of solitary confinement; one is in the dark cells, where light is totally excluded, and bread and water is the diet; this kind of confinement produces a much more rapidly deteriorating effect on the constitution than a sort of middle solitary confinement, which is in a sleeping cell where light is admitted.

8. And when in those sleeping cells, do they live on bread and water?—On bread and water.

9. What do you mean by the term "protracted confinement," as referrible to a confinement in a light cell with bread and water?—For trivial offences, generally the light cells are had recourse to, and the confinement is of *short* duration; for the more heavy offences, the dark cells are of course adopted, with bread and water as diet, and it has generally been found that at the expiration of a fortnight, indeed in some instances after a few days, necessary for the resident surgeon to increase the quantity of bread, that quantity I mean which is allowed for a prisoner under the circumstance of punishment.

10. Are you alluding to the light or the dark cell?—The dark cell. At the expiration of a fortnight, it is generally necessary to increase the bread to a pound and a half, and finally to two pounds.

11. Giving them nothing but bread and water?—Nothing but bread and water.

12. Suppose a person was confined in a light cell, what length of confinement do you think it would require to injure the health of the prisoner?—That is very difficult to say; for, generally speaking, we have few instances of protracted confinement in the light cells; they are for minor offences, and not much alteration of health is detected.

13. Do you think two or three months confinement would injure a man in a light cell?—It would lessen his animal powers, but not interfere materially with his general health; he would become, in other words, weakened.

14. Would it materially weaken him, or would he soon recover on being released?—Very quickly; prisoners make a rapid bound into health and strength when they are taken out of solitary confinement.

15. You think two or three months solitary confinement in a light cell, on a full allowance of bread and water, would not be seriously injurious to the health of the prisoner?

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prisoner?—Certainly, that is my opinion, if there is no laborious employment, no wear and tear.

16. When these persons are confined in their light cells, are they never allowed to come out for exercise?—Yes; they are not allowed to associate with the rest, but to walk in the galleries, and in fine weather in the yard.

17. Half an hour on the tread-mill, or an hour walking about in the yard, would that injure their health?—Certainly not.

18. On the contrary, would it rather improve it?—Certainly; but we have no tread-mill; all the male prisoners pump water for the use of the pentagons.

19. Is that more severe labour than the tread-mill?—It is rather severe while it lasts, but it is of short duration, only a quarter of an hour; and it is a labour they are rather pleased with than otherwise; it is a change from the monotony which otherwise exists.

20. If a man had a Bible given him, which he could read, would that lessen the irksomeness of the time?—Most assuredly.

21. Are books allowed?—Not in the dark cells; in the light cells books are allowed.

22. What is the longest period that any person has been put in solitary confinement in the dark cell?—Although the term of solitary confinement, as agreed on by the committee, may be of considerable duration, according to the offence, still it rarely happens that prisoners remain there during the whole time; the expiration of a fortnight is quite sufficient generally to warrant, on the score of debility, a recommendation for removal to the other description of punishment cell, to the light cell. There have been some instances where people have remained six weeks, when some very flagrant instances of offence have been committed.

23. What is the longest period of confinement in a dark cell in the Penitentiary?—I cannot call to mind exactly, but I should say a month.

24. And in the light cell?—The light cell is generally for very trifling offences; it is probably for a few days, or a week at furthest.

25. The punishment of confinement in a light cell is for an offence committed within the prison?—Certainly.

26. Not for offences committed elsewhere?—Certainly not, and that applies also to punishment in the dark cell.

27. Do you find the imprisonment in the dark cell operate differently upon different characters, or different physical conditions of persons?—Most assuredly.

28. In what respect?—I should say, both morally and physically.

29. But taking the character of the individual before he is confined in the dark cell, how do you find it operate?—I should say, taking a person of weak constitutional powers, that he is far more quickly affected by solitary confinement in a dark cell than another individual whose corporeal powers are of the reverse order; that is to say, a very powerful and strong individual is not so easily affected as a person of the first description.

30. Then, mentally, how would it operate?—I beg to remark, that is a very difficult question to answer, inasmuch as the mind in different individuals is infinitely varied: for although some may be of weak habits of body, speaking corporeally, still many of such people (if I may use such a term as applied to them) have a good deal of philosophy, which bears them through, whereas others of strong corporeal powers will sink morally much quicker than persons of delicate structure and health, with minds so framed.

31. In proportion to the natural powers of the mind?—Precisely.

32 Have you observed upon the different effects it produces on the males and females?—I have also a difficulty in answering that question, for solitary confinement, as applied to the females, is really very rare; they are most of them very young; it has rarely occurred that any very grave offence has been committed by them, so as to induce the committee to consign them to the heavier punishment; there have been a few instances, but not of late years.

33. Does a man of a strong or a weak mind suffer more by solitary confinement?—A man of strong and sensitive mind will suffer much more than a person whose mind is of a different description; a heavy sluggish-minded man submits to his punishment quietly, he is passive.

34. And has it a tendency to affect in the same degree his bodily strength?—Yes.

35. It must vary infinitely?—Yes, there are many grades.

36. You are called upon to see whether the man is injuriously affected or not?—

The

The resident surgeon calls me when he doubts his own powers of judging whether the diet or longer confinement should be continued or not.

37. It must also vary much in proportion to the habits of the individual before he has come there?—Most assuredly.

38. A man who has been a labourer and working constantly in the air, and a man who has lived a sedentary life, on the one and on the other it must produce a very contrary effect?—A very different effect. It is from moral causes, I may say, that most of our passing diseases arise; the effect on those people who come from their homes reflecting on their condition, with minds harassed, is to bring on almost all the new prisoners a degree of low fever which is never fatal, but passes away as they become reconciled to their situation.

39. From your observation, what is your opinion as to whether a short solitary imprisonment would or not operate more favourably to ameliorate the character and produce a better effect on the offender than a long imprisonment among the prisoners, and with sentence to hard labour?—Generally it would.

40. Supposing that solitary imprisonment was the sentence, and hard labour attached to that imprisonment, still solitary, working at a single hand-mill for three months, for example; is it not your opinion that such a sentence would produce a better effect than a twelvemonth's imprisonment, or eighteen months' imprisonment, mixing among the prisoners at large?—Most assuredly it would be infinitely more severe.

41. Would it not produce a better effect on the moral character of the individual when he goes out of prison, and would such an imprisonment, do you think, deteriorate the physical constitution of the man?—I think it would have a better and more permanent effect on him when set at large; it would make them better people probably, and it would deter them from committing crime which would subject them again to that or a similar punishment.

42. Then supposing the person to work alone at hard labour in that manner for six months, and also have the privilege of reading, do you think on the constitution of that person it would produce any injurious effect?—I think it would.

43. With those two advantages?—With those two advantages.

44. You think it would deter from its severity, as any other increased severity would?—Yes, I think it would; but I also think it would interfere with the health, simply from the length of the confinement; although there was employment, still being alone for so long a period, and on such a diet, I feel assured it would act materially, first on his mental health, and secondly on his bodily health.

45. And without hard labour, do you think it would so affect him?—Without hard labour also, it would affect him more than if he mixed for a longer period with the general prisoners.

46. You say, from your own experience, you have not known it applied?—No, it is not part of the constitution of the Penitentiary; we have no employment whatever when the person is in solitary confinement; in either order of solitary confinement the people have nothing to do. They are left without any kind of work, which might be considered an amusement; they have books in the lighter cells of confinement, but in the darker cells there is neither book permitted, nor light, so that a book would be useless.

47. Are you acquainted with any other prisons where solitary confinement is made part of the sentence?—I am not; we have no prisons in or about London, except where the prisoners are confined, comparatively, but for a very short period.

48. You have been speaking of solitary confinement in a light cell as a punishment for slight offences; are not all the prisoners there for the first year in solitary confinement?—No, there are sleeping cells made use of for this mode of punishment; still it is called solitary; they come under the description and denomination of solitary, since they are for punishment.

49. Are not all the prisoners in the Penitentiary, for the first year they are there, in solitary confinement?—They are what are called "first class prisoners." The Committee is alluding, I presume, to the different classifications; they sleep in their rooms alone, but they walk together in their pentagon; they must wait until they become second class prisoners before they can work together; in that sense, they are partially solitary for the first year, or a longer period, which depends on their conduct, for it is always a step to rise to another class; the dresses are changed and they are allowed more association.

50. But they are in point of fact, excepting during the time they are walking in

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the yard, in solitary confinement?—They work in their separate cells, but this is not considered solitary confinement, which is punishment.

51. They work and sleep by themselves?—Yes.

52. Are not the cell doors open so that they can converse?—There are two doors; an iron grated door with an inner wooden door; these are closed, and there are wardens in the pentagon passages who prevent all conversation.

53. During the time that they are at exercise in the pentagon they talk to each other?—Yes, but it is under certain regulations.

54. What period of exercise is allowed in the day?—That depends on the season of the year, and when the days are curtailed, there is a difference; they walk for half an hour twice a day in the summer.

55. Is the food given separately?—Separately.

56. For the first year then they are in solitary confinement?—As far as you may comprehend solitary confinement, under the circumstances that they sleep and work alone in the same cell; as far as that can be considered solitary confinement it is so, but they walk together in the yards two by two, and solitary confinement always implies punishment.

57. Do they walk in silence?—It is supposed to be in silence; they do converse, but in a low under tone of voice; they are not allowed to converse loudly.

58. You have stated something as to the diet; when solitary confinement is inflicted as a punishment, is it one pound of bread and water, and then increased to one pound and a half, and at last to two pounds?—It may be increased to two pounds.

59. Do you think if two pounds of bread were given from the commencement of the period of solitary imprisonment, and continued, that the health would be deteriorated by such imprisonment?—Does the Committee allude to one or more years of solitary confinement?

60. Take it for six months?—Certainly I do.

61. Suppose a person put into solitary imprisonment for six months who is not put to hard labour; that he has the privilege of walking in the galleries alone; that he has books given him that he may read, of a proper kind; and in that case, supposing his diet to be two pounds of bread a day, or a pound and a half instead of one pound a day, and continued during the six months, would a prejudicial effect be produced?—Certainly, I believe so.

62. From what cause?—Simply because he who had been accustomed all his life to animal diet could not digest or live so well wholly on farinaceous diet.

63. Then supposing animal diet was given occasionally, and the solitary imprisonment still, in that case would it injure the health?—Of the lighter description of confinement mentioned, with books and walking?

64. Yes?—That would depend on the repetition of the animal diet, and the quantity you gave him.

65. Then if the Committee understand you right, it is not the solitary imprisonment, but the deficiency of diet which produces the effect on the constitution?—If a person is exceedingly depressed by solitude, the affection of the mind would lead on to a prejudicial effect on his bodily powers; but if a person under such light solitary confinement which has been described had a certain portion of animal food allowed him from time to time, in six months, probably, there would not be the slightest alteration in his general bodily health.

66. Then on the character of the individual, would such a punishment have a better effect than a longer period of confinement in the usual manner in which prisoners are dealt with?—Has the question this purport; is it with regard to the effect finally produced on the person?

67. Yes, when he goes out of prison at the expiration of six months; whether the effect produced on that man or woman is not better than if he or she had been mixed with the other persons?—Certainly, I think it would have a better effect as to keeping him from crime in future, because he would feel considerably the punishment more serious than it would be if associated with his fellow prisoners.

68. He would not contract loose injurious habits, then, by mixing with others?—Most assuredly he would; although the moral effect does not appertain to the department I am engaged in, yet I can say, very confidently, that the mixing of classes is often productive of very injurious effects.

69. For what length of time is it to the first class that one pound of bread and water is continued?—We do not consider the first year as solitary confinement; solitary confinement is a punishment; the regular prison diet is given to the person on the first day of admission, as to all the rest; there is no difference with regard

to

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to the diet of new prisoners contrasted with the old. The word *solitary*, as it has been applied, refers simply to those people who sleep and work alone for the first year in their cells, or whose conduct has not entitled them to be put in the second class.

70. Is the ordinary diet of the Penitentiary for the first year one pound of bread and water?—There has been a misapprehension on that point; the same diet is given to the man or woman on their first admission as to any others. When the prisoners are first admitted, they are sent into what is called solitary confinement for the first four or five days, that they may have time to reflect on their situation; then they have no associate, but after that they are allowed to mix with the rest in their walks. We do not consider persons the first year in the Penitentiary as under solitary confinement; they have the same diet, full diet, as the older prisoners; they are allowed to associate together in their walks in the yards, and in fact every privilege of those people who have been there many months and years.

71. In reference to what kind of solitary confinement was it you stated one pound of bread and water was the first allowance, and then a pound and a half, and then two pounds?—That is a punishment-diet; they are then under punishment.

72. Then it was in reference to punishment?—Yes, altogether.

73. For how long a period is one pound of bread sufficient?—That depends on the resident surgeon's statement, who daily visits prisoners who are in solitary confinement.

74. With reference to your experience, how long is one pound deemed sufficient?—At the end of the week it generally is increased to a pound and a half, and if the confinement is protracted it is increased to two pounds.

75. What do you find the effect of hard labour on the prisoners?—We have no punishment of hard labour, they are divided into different classes; weaving is probably the hardest labour they have: but there is no compulsion as to the quantity a man is to weave; he has a stimulus held out, which is, that from his labour he has the power of daily accumulating a little money on his work, which he receives when his term of confinement has expired.

76. Have you no compulsory hard labour?—No. Permission was given to the governor and the committee to flog boys who misconducted themselves, and I believe it never has been had recourse to but on one occasion.

77. You have no compulsory hard labour?—None whatever; solitary confinement and bread and water is the only mode of punishment we have.

Captain *Benjamin Chapman*, called in; and Examined.

Captain *Benjamin Chapman.*

78. ARE you governor of the Penitentiary?—I am.

79. How many years have you been in that situation?—Eight years this very day.

80. What is the mode of punishment adopted at the Penitentiary?—The general mode of punishment is by confinement in a refractory or dark cell, on bread and water diet; but there is also a power under an Act of Parliament (the 7th & 8th of George the 4th) of inflicting corporal punishment, in certain cases defined in the Act.

81. What is the usual mode of treatment of prisoners in the Penitentiary?—The prisoners are divided into two classes, under an Act of Parliament (the 56th of George the 3d) called the first and the second class. The period of imprisonment being divided into two portions; the first portion is supposed to be passed in the first class, the committee having the power, in case of good conduct, to put them into what is termed the second class, which second class is the latter portion of their imprisonment. The imprisonment depends on their sentences, the shortest sentences being seven years, which is commuted into about five years, (for there is rather a complicated calculation,) two-sevenths of the time is taken off; in the case of 14 years half the sentence is taken off; and in the case of transportation for life, the sentence is ten years imprisonment in the Penitentiary. While they are in the first class they are kept apart; every prisoner has a cell to himself, in which he works as well as sleeps, and they do not congregate in any way, except during the portion of time allotted for working at the mills or water-machines, or whilst taking exercise in the airing yards, which is regulated according to the time of the year; sometimes three times, during the spring, summer and autumn months; sometimes twice; viz. from the 1st of December to the 10th of January. They walk round the airing yards two and two, and each man only speaks to the individual he is walking with; they do not speak to persons either in the front or in

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the rear, they confine their conversation to their partner. They are not allowed to talk while they are in their cells at all, from cell to cell, or in the wards, that is, while they are in the first class.

82. How long are they kept in that class?—Suppose the case of a man for seven years transportation, whose commuted punishment would be five; he is liable to be kept for two years and a half in that class, unless in consequence of good conduct, when the committee (who have that power) promote him to the second class; and they have also a power, in case of misconduct, of degrading him, and putting him back to the first class; the usual time is from 18 months to two years.

83. That is the average?—That is about the average. Then when they are put into the second class they work in companies of five or six or a certain number together, according to the size of the working cell, during the day, but at night they are taken up to the dormitories, every prisoner, male and female, having a separate sleeping cell; they are brought down each morning to the working cells. That is the principal difference between the first and second classes. In the first class they are solitary nearly, in the second class they congregate and work together in working cells, although each has a separate sleeping cell. The diet is precisely the same for both classes; there is no distinction as to diet. I would hand in the last dietary table. (*It was delivered in.*)

84. Can you state exactly the time during which they walk in the first class?—I have brought the rules of the establishment, in which the hours are defined, but I will state it shortly. While they are in the first class, there is a difference as to working; the first classes work in the morning, which the second classes do not; the first bell at this time of the year rings at half-past five in the morning, at which time the prisoners get out of their hammocks, dress themselves, and come and wash, eight at a time, at the washing troughs; having washed and made up their beds, prayers are said, and for the whole of those purposes half an hour is allowed. There are three first class wards, *B*, *D* and *E*, the second class wards being *A* and *C* in each pentagon; the first class ward *D*, goes down at six o'clock, works half an hour at the mill or water-machine, and then walks in the airing-yard for a quarter of an hour, so as to prevent collapsion, when they return cool to their cells; they then go to their several avocations, whatever it may be, tailoring or weaving, which are the principal trades in the Penitentiary. At this time of the year *E* ward would come down at half-past six, and *B* at seven.

85. Are they all in the first class?—Yes; the second class does not work till after breakfast; the first classes work before, once each, work and walk; the working is also considered mainly conducive to their health.

86. You had better confine yourself to one of the wards relative to the first class, if each division of the first class undergoes the same portion of labour during the day; is it so?—Yes; each first class works half an hour before breakfast, and walks a quarter of an hour.

87. State what the work is?—That work is either at the corn-mills or at the water-machines, which are assimilated to them; crank-mills; sixteen men work at a mill, which is considered equivalent to a two-horse power, and the water-machines are assimilated in the same degree, being worked by cranks, and precisely on the same scale; at the water-machines or mills the labour is the same.

88. Both worked by cranks?—By cranks. Breakfast is always served out at eight o'clock.

89. What is the breakfast?—It consists of a quarter of a pint of milk mixed with half a pint of water, boiled with two ounces of flour, half a pound of bread; that is the breakfast; the supper is the same. They are allowed half an hour for breakfast.

90. After breakfast?—The division whose immediate turn it is to work goes down immediately at half after eight and works for half an hour, and walks for a quarter of an hour, then returns again and is succeeded by another division.

91. Then they go on and continue with their avocations?—Yes, until dinner.

92. When is that?—One o'clock.

93. What have they for dinner?—It depends on the day of the week; there are four meat days in the week, Sundays, Tuesdays, Thursdays and Fridays, on which days they have six ounces of meat boiled, coarse pieces of meat (clods and stickings, as they are termed,) free from bone, one pound of potatoes or other vegetables, and half a pound of bread. They are allowed half an hour for their dinners.

94. What have they the other three days?—Soup two of them, Monday and Wednesday; the soup is made out of the liquor in which the meat is boiled the preceding day, thickened with peas, oatmeal or barley, with vegetables, a pound of potatoes

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potatoes and half a pound of bread; and on the Saturday they have two ounces of cheese, one pound of bread, with an onion. There is some little difference in the bread with respect to the women.

95. After dinner what do they do then?—They are allowed half an hour for their dinner, and then, according to their class, they go again to work for half an hour to the mills or water-machines in rotation, and walk; in the spring, summer and autumn seasons the first classes work and walk three times in the day.

96. What time do they have their suppers?—That depends on the time of the year. In the winter the soonest time of getting their suppers during the shortest days would be at four o'clock, and the latest time in the long days in the summer months they get it at seven in the evening; there are intermediate times according to the setting of the sun. The bell rings at sunset generally until the sun sets after seven; the last bell is always at seven in summer, which is called the tenth bell.

97. Then they sup?—Yes.

98. After supper what do they do?—Then they go to their beds.

99. They are shut up for the night?—They are shut up for the night. They have their books in the summer time to read, if they can see; every man who can read is allowed religious books; the generality of them can read when they come in, but they soon learn if they are not able when they enter.

100. Have they prayers before they go to bed?—Always, morning and evening. Having washed in the morning, prayers are said in every ward by a person appointed for that purpose, called a *monitor*, and a portion of Scripture read.

101. Who is the monitor?—The monitor is a prisoner selected for his good conduct and for his abilities, being able to read sufficiently well, and to instruct; he also instructs at the schools, which are held twice a week; they are divided into classes in that respect.

102. You said they worked three times a day in the summer?—Yes; once before breakfast, once between breakfast and dinner, and once afterwards; this refers to the first classes.

103. Do you make any difference between boys and adults?—We have no boys; we have some that are very young, 16 or 17.

104. You have but one system for the whole?—But one.

105. Now, with respect to the second class, state what is the difference between them?—There is no other difference than this: that they do not work at the mills, nor walk before breakfast; they work twice, and walk between breakfast and dinner; they do not work at the mills or machines after dinner, but they walk for one hour in the evening.

106. When they work and walk, do they walk in silence?—Yes; the man may be allowed to talk to his partner, provided he does not talk offensively loud.

107. Is that observed in both classes?—Yes.

108. Your second class work in gangs?—They work five or six together, in working cells, instead of being in a cell by themselves; four, five or six, or more, according to the trade they may happen to be at.

109. They are allowed to converse during their work?—Yes; provided they are not too loud, or offensive in their conversation.

110. There is no degree of solitary confinement with respect to the second class, except when they are in their sleeping cells?—Just so. At the ringing of the tenth bell, which depends on the time of the year, they get their supper, and go to their sleeping cells.

111. Can those in class one talk to each other in their cells?—They are not allowed to do so.

112. Do they in point of fact?—Sometimes they are reported, and reprimanded for talking from cell to cell; and if repeated, they are punished.

113. It is not allowed?—No.

114. They can do it?—They may, because the cells are quite close; here are the two doors, (*describing them*) and a man may come to each door, and he may talk in a much more under-tone than I am now using; it depends on the sort of work they are at. There are four pentagons for men, and two for women; supposing the pentagon is for weaving, then the noise of the looms prevents conversation being carried on in a low tone of voice, and if they speak loud that enables the officer to overhear them.

115. That supposes the door always open?—There are two doors, a wooden

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door and an iron grating, called a cell-gate; the wooden doors are always open, except when the officers go to their meals, and at night the wooden doors are always open for air, and for heat in winter.

116. Is there no admission of light, except the doors?—Yes; a window in every cell.

117. What occasion is there to keep open the doors?—For ventilation.

118. Could you not ventilate them sufficiently by admitting air from the windows?—Perhaps so.

119. Would not the shutting the wooden doors exclude communication between the prisoners as to sound?—So far, that if they spoke, they must speak so loud they would be heard by the officer.

120. Is there any objection to shutting the doors?— The regulation is, they are to be kept open except at the time the officers are at their meals, and during the night. The windows of each cell look into the yard; in the passages the windows look outwards. Where a great number of persons are confined, it is necessary to have a full and free ventilation, which would not be the case if the doors were shut in certain times of the year, and particularly in hot weather.

121. Do you not think, except in cases of extreme heat, the opening of the windows would cause sufficient ventilation to a small cell?—If the wind was on the window, you would have sufficient ventilation; otherwise, you would not.

122. Is it not competent to the committee to pass a new regulation enjoining the shutting of those doors?—Under the Act of Parliament, the committee have the power of making bye-laws, which bye-laws, however, are to be submitted to judges of the King's Bench, and become then a rule and regulation.

123. The opening and shutting of a door is not regulated with reference to a bye-law, but a mere common order?—Certainly, because that authority I take on myself; in case of persons not being well-behaved, the wooden doors are sometimes shut.

124. Do you not think it would add much to the irksomeness of the confinement if that wooden door was shut?—I think it would; it would be gloomy looking: there is a very great difference in the appearance when the wooden doors are shut.

125. Do the cells face each other?—They do not; they are all parallel to each other.

126. There are no double rows of cells?—Excepting the women's sleeping-cells, and none for inhabiting in the daytime.

127. You have stated the doors are kept open for the purpose of ventilating the cells; would it not be sufficient for that purpose to have them open during three hours a day, during which time the prisoners in class one are always absent?—I do not think that would be sufficient in the summer months; the windows are ordered to be open during that time.

128. Did you not say there is a ventilator at the top of the cell?—There is a ventilator in each cell.

129. Do you find the prisoners of the first class are more orderly, and more easily kept in order than those of the second class?—Decidedly so.

130. Supposing a man was the whole time in that solitary confinement, would he quit the prison in a much more orderly state, and better condition of mind, than after he had been removed to the second class?—I have no doubt at all that that fact is strictly correct, and if the Committee will allow me to state my opinion on it, I will do so. It early occurred to me as a matter of opinion, when first I commenced my duties as governor, that there was a great imperfection in the second class; that the good that was effected while prisoners were in the first class, was counteracted in a variety of instances when they were placed in the second class, and every year's experience has added to and strengthened that opinion, and I am satisfied that the second classes are exceedingly injurious to discipline; and not only discipline, for that is secondary, but the grand object of the institution, the reformation of the prisoners.

131. Do you think that a prisoner confined in the Penitentiary, going out at the expiration of the term that he has been confined in the first class, would go out a better and more reformed man than if he was confined the remainder of his sentence in the second class?—I have no doubt he would go out a better man—as a general position; there are some instances where it would not apply, but it is unquestionable they would go out better members of society from the first class than from the second.

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132. You have had occasional disturbances in the Penitentiary?—Occasionally; but not for a length of time.

133. Have those disturbances taken place among the prisoners of the first or second class?—The second generally.

134. You are of opinion that all the expense that is incurred by the nation, after the time the prisoners are removed from the first class to the second, is not only not of any advantage but is a clear loss, and that the prisoners are not so much improved as they were before, but that they go back?—I do not know that I can go to that extent; my opinion is strong against the second class, and I think the good that had been effected in the first class would be perpetuated perhaps and improved by keeping them in that class instead of sending them to the second class.

135. In prolonging the time?—Certainly.

136. Are you of opinion that short imprisonment, with greater severity of treatment, would produce a better effect than long imprisonment and the indulgences now allowed to the second class?—I think it would; it is a subject that involves a good deal, because you must take the tempers and dispositions of persons generally into consideration; confinement upon some persons will operate much stronger than upon others, not only with respect to their physical powers, but also their mental faculties. One man feels confinement more than another; a man who has a family and children feels confinement more perhaps than the single man, therefore it involves considerable thought and reflection; but with respect to the second class, I have no hesitation at all in giving a decided opinion, founded on eight years experience.

137. That the second classes are in point of fact injurious?—I think so.

138. Then do you not think that where as you now confine a man, who is sentenced to seven years transportation, five years in the Penitentiary, and in all of which time he is confined from 18 months to two years and a half in the first class, are you not of opinion that shortening his period of confinement, say to three years or three years and a half, that and confining him exclusively, or subjecting him exclusively to the treatment he now receives in the first class, would produce a better effect than a more protracted confinement?—I am satisfied three years in the first class would be more beneficial than going into the second class and remaining as at present. The committee have the power of recommending well-conducted prisoners to the Secretary of State for His Majesty's pardon; that power is usually exercised when a prisoner of a seven years case, I would say, generally has been three years and a half in the Penitentiary, provided he has conducted himself well, that I can give a favourable report to the committee as to his general conduct, and that the chaplain can also state his moral and religious improvement: the committee on looking into the matter (which they do very minutely) exercise that power, and submit his name for pardon, for a very well behaved man at the end of three and a half years. That applies to seven years cases; but I am satisfied that more benefit would be produced in three years, if the man had not been removed out of that class when he was so improved.

139. In what degree do you conceive that good and orderly conduct of the prisoners in the first class exceeds the other class; you have stated in the first class they are much more orderly and better conducted?—Not much more; that they are better conducted.

140. They are better conducted in the first class?—Yes.

141. What portion of that is owing to the hope of being removed to class the second, where they are to have a relaxed system of discipline?—I think that operates something, but there are at this moment, I am sure, no less than 50 prisoners, who are in the first class at their own request, having been put into the second class, and removed back to the first class for the purpose of keeping themselves quiet, orderly, and improving themselves.

142. Although the confinement is more severe?—Yes.

143. Are not the second classes under the constant supervision of the keepers?—They are; but there is one warder allowed to a ward of a certain number of men; 30 we will say; they are placed in seven or eight working cells; he has work to give out; he has books to keep; and therefore he cannot exercise that constant superintendence to be sufficiently effective; then there are times when the officers are at their meals, when the wooden doors are shut; the officers have an hour at dinner, and half an hour at breakfast, when the prisoners can plan mischief.

144. Are the prisoners in the second class allowed to take their meals in company?—They always have their breakfasts and dinners where they work; every man has his own portion, a mess-tin containing his own food. But they eat it assembled together;

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together; the number in the working cell five or six, or whatever it may be; they take their meals in that cell they are working in.

145. You have stated you prefer infinitely the treatment of the first class to that of the second, and you think on the whole a shorter period of confinement, with the treatment of the first class, would be preferable, as regards their moral conduct in coming out, from what it is, changing from one to the other; you refer, in that answer to their conduct during the time they are within your view?—And to when they are not within my view.

146. Also to the time they are in the Penitentiary?—Certainly.

147. Do you refer to the effect it would have on their conduct afterwards in life?—A man is invariably in the second class after a certain period, unless on an application, as in the case of the 50 I spoke of.

148. You have stated you think the treatment of the first class better than that of the second; you consider it so because you think the person when he goes out from prison would be a better man than he would if he went into the second class of treatment. Do you form that opinion merely from the knowledge you have of them during the time they are in prison, or from any knowledge you acquire after they go out of prison?—Men are always in the second class when they are recommended for pardon; there are instances when the time has expired of bad-behaved prisoners, and then they are usually in the first class; and even some of these men have received gratuities for good conduct; but the portion has been very small, as you may suppose. I never lose sight of them for 12 months; the generality of them.

149. Can you state the proportion of the numbers of those who have gone out from the Penitentiary, either a proportion of those who have undergone the first or second treatment, as to what has been their subsequent conduct?—They always go out of the second; but in every annual report made to Parliament the number of persons recommended for pardon during that year is stated, and the number of persons 12 months out in the preceding year, and who have been going on well, are accounted for; so far it becomes matter of parliamentary record, and for which I have got the report for last year.

150. That is as regards 12 months?—Yes.

151. Their conduct in life is traced for 12 months after they go out?—Yes.

152. Longer than that is there any supervision?—Not so much so; because when they live immediately in London, as many do, I frequently see and hear of them, but when they are at a distance I have not that opportunity, except through the medium of letters, and even the unavoidable postage is heavy.

153. Then first with respect to the 12 months after they go out, during which they are traced, can you state without going into minutiæ, a proportion of those who are reclaimed, or those who are not reclaimed, out of 100 that went out, for instance?—I should say that one half is a fair proportion of those reclaimed: the average number receiving gratuities is more than a third. There may be many instances of persons going on well who do not get gratuities, but I should say full one half receive gratuities, or are going on well; several may be going on well who have not received gratuities, and those who have fallen again into error, and who have been again convicted, are also classed by themselves, as well as those who, although they have not fallen into crime, are not still living a regular or sober, steady life; they get no gratuities.

154. Can you give a proportion?—I should say half, including those who have fallen again into crime.

155. That is to say, tracing those who go out from the Penitentiary for the period of 12 months, there are not more than a half who go on well; is that so?—About half. However, the thing is to be ascertained.

156. Did your observation apply itself equally to the women as to the men?—I think the women are not so favourable as the men.

157. Then if so, the proportion is less as regards the women, and rather more as regards the men?—Exactly so; that is precisely my opinion.

158. Further than a twelvemonth you have no means of tracing them?—I should say so generally; there are many instances where I do.

159. Tracing them as far as you do, for a twelvemonth, one half fall back?—I mean one half are not so good as one could wish. All those that have gone back to evil purposes we have specifically stated in the report; five men and three women in the last year were stated to have been tried and convicted.

160. Having stated on a broad sort of line within a twelvemonth one half of the whole

whole fall back, have you any means of saying the proportion of the other half who have fallen back after the 12 months have expired?—I have not the same means.

161. You have stated one half fall back within the 12 months?—I think that is taken too strongly; many of that half have committed no dishonest act.

162. But you cannot consider them restored characters?—Certainly not. Some men who are given to intoxication, will go back to the alehouse, although they will not steal.

163. Have you any means of stating in a general way, from the extensive knowledge you have on the subject, the number who fall back again into immoral courses beyond the 12 months?—I have in some instances; and I think on the whole of my experience of eight years, there are not more than four cases of persons who had received gratuities for 12 months good conduct. I am not quite clear that there are four; three I am certain of; but say four, which is the utmost I have been able to trace, (and I take as much interest and care as I can to find out these facts).

164. You refer to the persons having committed any criminal act?—The four referred to committed criminal acts after having received gratuities. Part of the testimony to receive gratuities must be from the clergyman or churchwarden of the parish in which the persons reside, and must certify that they have been frequenters of public worship, and that they have conducted themselves in a moral and religious manner; and unless they can satisfactorily prove that such is the case, they do not get a gratuity.

165. Suppose the party is a dissenter?—So he may be, or a Roman catholic, but if he goes to a house of worship that is all that is necessary.

166. What is the gratuity?—The committee have a power to grant a gratuity not exceeding 3 *l.*; when it is a very good case, they grant 3 *l.*; when the case is not quite so good, not so much; where there has been a good and dutiful son who had protected a father or mother by labour, the committee give the utmost the law will allow them, that is 3 *l.*

167. What is the ordinary sum?—From 2 *l.* to 3 *l.*

168. Is it enough to induce them to shape their conduct accordingly at all?—No, I think not. I know a case at this moment of a man out upwards of a twelvemonth, which I will state: I met him accidentally, and I said "You have not been for a gratuity, I am sure you are going on well;" he replied, "I do not mean to take it; I had rather you would give it to somebody that wants it;" I said "it is satisfactory to the committee to know you are entitled to it; take it and do what you will with it."

169. Now, of the persons who in the first class had conducted themselves well, have the instances been many or few in which such persons have, when they come to be transferred to the second class, misconducted themselves?—Many instances; and it is confirmed by the admissions of the prisoners themselves; when I have been under the necessity of punishing them and conversing with them, which I do at considerable length, when their minds are flexible and under punishment; they say, "I regret not taking your advice, and that I did go into the second class; I should otherwise be a better man than I am now."

170. You consider their minds to be corrupted?—I think they have been biassed considerably; there are flexible minds, and they are liable to be led astray; if there is a bad example among them they may be led astray. If a man was seriously inclined, and he took up his Bible to read, he would be sneered at, and they would say "you want to curry favour with the chaplain or the governor."

171. Then you consider separation as a very important object to the reformation of prisoners?—I think it is one of the principal springs of the Penitentiary system, and a most important one.

172. And do you not think that solitary confinement acts in a double way, not only as keeping prisoners from contamination, but as adding most materially to the severity of the punishment?—Unquestionably; as I mentioned before, a vast deal depends on the constitution of a man's mind; there are cases, I admit, where it has been necessary to take a man out of the first class, because he had such a despondency of mind that it was unsafe to keep him there, being apprehensive, perhaps, that he would have committed suicide; in that case the second class (and I know of no other) would be of advantage, because you put that man under *surveillance*, you put him among people who would rather cheer him; I have known some instances, but they are not many.

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173. Is that after a protracted duration of confinement, or shortly after?—It generally occurs in the first instance.

174. What was the nature of the misconduct in the second class, on which you gave your opinion as to its being injurious?—They have an opportunity of laying plans together, combination not only with respect to work, but otherwise; one man will say "you must not do more work than I shall do, we shall be all in the same way," or any other mischief or improper act that might be thought of.

175. Combination to avoid work?—Yes; bad language, talking, and the generality of the conversation referring to their former course of life, and bragging of the feats they had committed as felons.

176. In short, you are of opinion that to diminish the period of confinement one half in the first class, say three years in the first class, would have more effect on the prisoners than six years, being two years in the first class, and the remainder in the second?—Cases of seven years transportation would be five years in the Penitentiary at the longest; but I would say even two years, I would go as far as that, that two years would be more beneficial in the first class only, than if they were two years in that class, and two years in the second.

177. Which would be a considerable diminution of expense to the country?—Yes.

178. It seems, then, there are three lengths of punishment; five years, seven years, and ten years?—Yes.

179. Are all persons confined the same length of time in the first class, or not?—By the Act of Parliament, half the time of their confinement in the Penitentiary is passed in that class; but the committee have the power of removing well-behaved prisoners, and should they be anxious to go into the second class, they are put there. They are put there also on other accounts: for example, shoemakers work together in the shoemakers' shop. It may so happen a man comes in a shoemaker by trade; it is desirable on many accounts that that man should not lose what he is to earn his livelihood by when he goes out; his promotion to the second class is sometimes anticipated, and he is put into the shoemakers' shop before he would be entitled in point of law. It would apply also to other trades; as a baker, for example. But as a matter of general practice, good conduct alone, and that after 18 months, anticipates the term of going into the second class.

180. Generally speaking, practically, what is the length of time, not by Act of Parliament, which persons confined in the Penitentiary for ten years remain in the first class?—I do not think there is a great deal of difference, very trifling, a few months perhaps.

181. If the assumption be true that a man goes backwards after he leaves the first class, then he remains eight years unnecessarily an expense to the country?—He never remains so long as that. The very best life, under the best circumstances, is scarcely worth ten years purchase; and confining a man or woman in the Penitentiary, with reference to their former habits and course of life, ten years, would be virtually imprisonment for life; and there is no instance of any person having been confined there ten years.

182. What is the longest period?—I believe there was an instance of seven.

183. Nothing beyond seven?—Not that I recollect, and that was not since I became governor. They generally before that time become very ill; long before that it affects the generality; and the committee have been under the necessity to recommend, upon medical grounds, change of air for the safety of their lives.

184. Do you think that illness which you state to have affected these prisoners proceeds from the nature of the situation?—No; put them in the best situation in the world, living in the same atmosphere, having the same diet, all under the same circumstances, and it will apply any where.

185. You do not mean to say it would apply in the King's Bench?—They are not on the same diet always; they get turtle, or any thing there they can pay for. I can, generally speaking, see distinctly when a man or woman either has been there three years; it has a visible effect on their appearance.

186. Do they get prematurely old?—There is a pallidness, a lividness, and falling away of the muscle.

187. You have stated in a former part of your evidence the first class are employed in work?—At their trade.

188. In the morning and part of the day they are employed in pumping water, or at the corn-mills?—Yes.

189. The second class are never employed in that occupation?—Yes; not before breakfast, but at other times.

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190. Take it as to before breakfast, have you made any observation as to the difference of health of the two classes?—At the time of the former Committee in 1823, the second class did not work at the machines or mills at all, and the consequence was the sickness which prevailed in 1823 was attributed to want of sufficient work and exercise in the open air, and consequently the rules were remodelled; additional mills were built and water-machines constructed, and now the second classes work nearly as much as the first, with the exception of before breakfast; the consequence is, now the second classes, I would say, are nearly as healthy as the first, with the exception that they have been longer in the prison.

191. What do you think would be a sufficient duration of punishment, confining the prisoners exclusively to the first class, for persons who are sentenced to seven years, fourteen years, and life, respectively; take first seven years?—I think much depends on the offence which the person had committed.

192. Supposing the sentence is always regulated by that; suppose a man deserved seven years, fourteen years, or for life, what would be sufficient for the first class; seven years confinement?—I have already stated two years would be more beneficial than removing them and keeping them double that time in both classes; I wish my opinion to be taken as strong as it can be given, that I am decidedly hostile to the second class, as I consider the second class injurious to the reformation of the persons sent there.

193. What would you substitute for the present mode of punishment which is referrible to the two classes, confining the party only in the first class, stating the three gradations, seven, fourteen, and life?—I should say, two years and a half for the best cases.

194. That is for the seven years?—Yes, and I should confine that term to the most exemplary only.

195. If they did not conduct themselves well?—I would keep them longer.

196. Now the other case?—Then the scale would be relative to their conduct; I should have no person recommended that the chaplain or myself could not satisfactorily approve of, for twelve months at least, for exemplary conduct.

197. That is after going out?—Previously to recommendation.

198. Two years and a half for the most favourable cases, with power to keep them longer if the committee thought it proper?—If their conduct deserved it.

199. And for those who are ordered for fourteen years, what should you consider sufficient for them?—The Act takes off one half at once; I should in their case consider three years for the very best cases, and I would say four for the ten years cases.

200. In short, you think those limited periods of confinement would act as a sufficiently severe punishment, and would be attended with more beneficial effects on the morals of the prisoners than the present mode of punishment?—I am decidedly of that opinion; at the same time the second class has sometimes been beneficial, as in cases of dejection and great depression of mind, although such cases are not common: there are, however, other cases where prisoners must work in companies; for instance, bakers must work in a bake-house together. There are only six bakers; the cooks must dress the dinners together, and the women must work in the laundries together; these are exceptions in favour of a second class which you cannot remedy, inasmuch as they must congregate to do the work.

201. The object of all punishment is to prevent crime: there are two modes of prevention; one by reformation of the prisoners, the other by deterring bad characters from the re-commission of crime. You conceive solitary imprisonment ameliorates he character; but taking another class of prisoners, desperate bad characters, do you conceive a short imprisonment, although accompanied with severity, would have the same effect on those men that a long period of confinement would produce?—A great degree of care has been used in the Secretary of State's office, for a length of time back, in the selection of persons to be sent to the Penitentiary, and therefore the description of persons is a great deal better in consequence of that selection: if it is known that they are second or third convictions, they are rarely sent to the Penitentiary, but they are sent to the hulks; they are supposed to be in most cases first offences, or there are some mitigating circumstances or features in their cases that make them interesting objects, and fit to be sent to the Penitentiary, and we are therefore not now troubled with the very bad description of persons alluded to.

202. When they walk have they any officer of the prison with them?—Invariably.

203. Do you make any of the prisoners officers?—Never; they do in some gaols, but

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but it is a very bad plan; our description of officers are usually well-recommended non-commissioned officers.

204. Have you any yardmen that superintend the yard?—We allow no prisoner to have the slightest government or control over a fellow-prisoner. There is the fifth annual report of the Board of Managers of the Prison-discipline Society of Boston in America, and there are two lines in that report which express my opinion relative to the first class better than I can do it myself: "The value is inestimable of separation, solitude, silence, order, cleanliness, industry and instruction."

205. Do those persons who are in the second class seem to feel their confinement as very irksome?—Not at all so much as in the first; for the indifferently-behaved people are anxious to get into the second class, for the purpose of conversing with each other.

206. In many instances do they appear perfectly indifferent as to the period of their confinement?—All excessively anxious to get away; exceedingly anxious in both classes.

207. Are there many instances of persons who have been discharged from the Penitentiary who have been recommitted to any of the prisons in the kingdom for offences against the law?—Yes, there are some, but not a great many; the most occur in Newgate, inasmuch as we receive many persons from Newgate, and generally of the worst description.

208. They are allowed a portion of their earnings?—One-eighth part.

209. Is that upon the actual profit made by their labour, or is it upon any scale of estimated profit?—Whatever work they do is priced; for example, if a tailor makes a garment, or whatever it is, there is so much charged for making that garment, and he gets one-eighth part of that.

210. Who gets the other seven-eighths?—Three-fourths of it go to the benefit of the establishment, and one-eighth to certain officers, the master manufacturer, the taskmasters, assistants and warders, they get one-eighth among them.

211. A tailor makes a coat, who fixes the price for that?—We are employed principally by the Board of Ordnance; there are also many large slop dealers who employ us; we get very little for making; but employment is the great object. We get as much as the Board of Ordnance will choose to give us; for example, they only give us 6*d.* for making a military great coat.

212. You have no manufacture?—We took up the weaving at one time, and wove on our own account.

213. Did you purchase the wool?—Purchased the cotton, and manufactured on our own account, taking our chance to sell what we manufactured; we found it was an exceedingly losing concern, and lost some thousands of pounds. We have therefore latterly thought it better to make a great coat for 6*d.* than speculate in cotton; one is a labour account, and if you get a penny it is so much gained; the other is a speculation.

214. Is the Committee to understand the earnings are not estimated by any arbitrary rule, but by the actual profit which you receive for the labour?—Yes.

215. The prisoner receiving one-eighth, does he receive any thing during the time he is under confinement?—It accumulates for him, and he receives it only when he goes out; and should he die before the expiration of his term in the Penitentiary his per-centage goes in aid of his funeral expenses.

216. And the remainder?—Upon an average it does not amount to the funeral expenses.

217. A man who has been in prison five years, what do you suppose he receives?—A man can earn very little at three farthings for a coat. They earn more in the first class than they do in the second class; they do not chatter or talk, and therefore their per-centage is more while they are in the first class than while they are in the second class; but I think, take the good and the bad together, that a man's one-eighth part does not average more than 1*s.* 3*d.* a month.

218. How much have you known a prisoner ever to take out of his earnings when he went out?—I have known an instance of a man having 17*l.* 18*l.* or 20*l.*; he was a man who was at the head of the shoemakers' shop, termed a clicker and cutter-out; he also was paid for instructing others; but upon a labour account I should say that the average does not exceed 1*s.* 3*d.* a month to the prisoner. The great object is employment; the great difficulty we had to contend with was getting any sort of work; we are thankful for any thing.

219. Is there any other work you do?—We weave, but we do not weave on our own account, further than the cotton shirting that is made use of for ourselves, such

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as shirts and women's shifts; sheeting, and all those sort of things we weave. We sometimes receive an order from Mr. Capper, the superintendent of the Hulk establishment, for shirting and other articles; we weave those, or we weave to any order, but we do not speculate.

220. How do you buy the cotton?—We deal with certain houses for the cotton we require; we usually manufacture cross-over, used for sailor's shirts, and persons of that description.

221. Does the whole of your experience induce you to consider solitary confinement as the best mode of punishment as a secondary punishment?—I do think so.

222. Do you imagine that for many offences, not in the Penitentiary, but in the gaols of the country, two or three months really exclusively solitary confinement, without any communication being allowed between the prisoners, and a confinement to a very low sort of diet, say bread and water only, would be a worse punishment than a much longer period of confinement to hard labour?—Unquestionably so; I do not speak of this from actual experience, I speak of it from facts ascertained with reference to information regarding American prisons which the Committee can have.

223. You can tell us what effect five days solitary confinement has?—Yes, I can: out of our number of prisoners we have not one person under coercion of any sort at the present time.

224. Is not the work done at the Penitentiary voluntary?—No.

225. I thought during the first period you stated they might work or not?—No; probably I did not express myself correctly; it is compulsory, they are obliged to labour; but we endeavour to make it their interest by giving them one-eighth of their earnings. In some instances they have destroyed articles issued to them from sheer ill-temper.

226. Do you consider the great object to make the punishment as short as possible, consistent with its being efficient?—Yes; and commensurate with the offence for which punishment is adjudged, because it should have reference to the offence.

227. Who judges of that when they come there?—The law judges of that in the first instance by the sentence.

228. Are you, from your experience in the Penitentiary, competent to pronounce an opinion as to whether it would be an improvement in the prison discipline generally throughout the country, if a comparatively short period of solitary confinement and bread and water were substituted for longer periods of hard labour and association with others in crime and a full diet?—I am satisfied that the principal advantage would be derived from separation.

229. No so much on diet?—Diet depends very much on the term they suffer for; that is a relative question, and a medical one.

230. Suppose a man sentenced to seven years transportation, on his first coming into the Penitentiary was to have one month's strict solitary confinement, what effect should you consider it would have upon him?—I should think it would be very injurious to him.

231. Suppose a man was to be in strict solitary confinement for one month, having nobody to go to him but the officer of the gaol?—I should consider it very injurious, because I find five days press very strongly on many of them.

232. What effect has five days?—Extreme depression of mind, which they feel sometimes in five days. They are kept under the Act for five days strictly apart; they get no exercise above what they can get in their cells; they do not go out into the air; they have no communication with any body except the officer who comes to them, the chaplain or myself, which we make a point of doing, as much is to be done in that way; impressing on their minds the necessity of reflection and conforming to the rules of the institution.

233. But supposing you were to give them solitary confinement with air and exercise; suppose prisoners were confined to their cells without communication with their fellows, except when they were brought out to exercise in the yards, either on the treadmill or by walking round the yard, and during that period not allowed to speak to each other, do you think a month or two of that species of confinement would be injurious to the health of the prisoner?—Not at all; because it is nearly so in the first class, but you might have it still more efficient; for example, instead of a crank-mill you might have a treadmill on the new construction, where every man is put separately, and where he can have no communication or talk with his fellow. At our mills,

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mills, which are crank-mills, they can talk while they are working, and the noise of the mill prevents its being discovered that they are doing so, and their heads being close together enables them to talk without being detected.

Rev. *Whitworth Russell,* called in; and Examined.

Rev. *Whitworth Russell.*

234. ARE you Chaplain of the General Penitentiary?—Yes.

235. How long have you been so?—Little more than a year.

236. What do your duties consist of?—Of performing two full services on the Sunday, visiting the prisoners in their cells, visiting and reading prayers in the infirmaries daily, and superintending the system of education in the schools two evenings in the course of the week.

237. Have you much communication with the prisoners separately?—After having performed what I consider the daily routine duty, I then devote as much time as is left to visiting the prisoners in such way as I think most useful.

238. Do you find, after being some time in the prison, there is an improvement in the frame of mind of the prisoners generally?—In very many instances a decided improvement.

239. Do you find that improvement greater during the time they are in the first class than afterwards, when they become associated with their fellow prisoners in the second class?—Decidedly.

240. Have you found instances, in fact, of persons who were becoming comparatively improved, relapsing when they were moved to the second class?—Very many instances indeed; I would almost say that there was no one instance of a man continuing in as good a state in every respect after he had been in the second class, as he was when he entered it.

241. Do you find them scoff at religion and religious books?—Very rarely indeed; there are instances, but they are rare; I, of course, take great pains to ascertain this fact by private communication with the prisoners, and I think it seldom occurs that any religious instruction, or any religious book, is treated with disrespect.

242. Even in the second class?—Not in any part of the prison. Those who have no religion do not ridicule it; they respect it in others, and may perhaps desire it for themselves, although their evil inclinations may be so strong as to lead them to reject or neglect it.

243. With respect to the females, do you find the same principles to hold good?—I should say good impressions are not so permanently made on the females as they are on the males.

244. Do you find whatever religious impression you may have made on the mind of the female, that it is likely to be weakened on their removal to the second class?—Decidedly.

245. Yours is a comparatively short acquaintance with them; do you think on the whole there are many instances of persons leaving that prison certainly improved in their morals?—There are many instances of persons decidedly improved; but I think the improvement might be carried very much further than it is in the Penitentiary, even in the most favourable parts of its system.

246. By what mode?—By making the separation much more complete than it is at present, even in the first class.

247. In point of fact, do you think when a person is confined by himself in that sort of way, he is more disposed to reflect on his situation, and more likely to amend than when he is with his associates?—Undoubtedly; and I can state a fact confirmatory of this. There is, as probably the governor has mentioned to the Committee, a regulation, that when a prisoner enters the asylum, he is placed five days in strict solitary confinement, in a light cell. I have heard myself from many, I have it also from the officers, that they have been told by many that "those five days formed the most painful part of their whole imprisonment, and that they should never forget it." It is in a light cell, they have their food, their minds are not weakened by bodily suffering, they are not brought down by it; but I have also observed, that whenever the same seclusion has taken place in a dark cell, and with diminution of food, the effect has been invariably bad; they have become hardened, and at the expiration of seven or eight days all fear of the punishment has passed away, and the longer you continue it the worse they become.

248. You think solitary confinement in a light cell is the most efficient?—Certainly,

tainly, with a sufficiency of food; when the body does not suffer too much, it is infinitely of more advantage than any other system that can be adopted.

249. What you mean by advantageous is, that it is more likely to deter them?—I mean to deter as well as to improve; because the expression went to this, it was the most *painful* part of the imprisonment.

250. During those five days are they left entirely without books of any kind?—No, they have always books; and they have also the visits of the chaplain, the governor, and the medical man; but the officer himself who is in charge of the ward is not to hold communication with them more than is absolutely necessary. If the prisoner wishes to see the medical man, or the governor, or the chaplain, he may express that wish, but no more.

251. Not allowed to converse with him?—No.

252. How often are the visits of the chaplain?—That must depend on the other duties at the time.

253. Once a day?—Not once a day; that is sometimes quite impossible; once, twice, or three times in the course of the five days, as his duties may permit; the governor probably sees them every day.

254. Then it is your opinion, solitary confinement, under proper regulations, would be the best means of deterring them from committing crime?—Yes.

255. Is your separation in the first class solitary confinement?—No; I do not think it amounts to solitary confinement, but it may be made so.

256. If the doors were shut?—There is something more than that wanted. It is quite impossible that communication between the prisoners in the first class should be always prevented, for these particular reasons: each ward is composed of two passages, forming an angle; the warder goes and unlocks the door on the one side for the men to go to the yard or the mill; while he is on the other side for the same purpose, what is to prevent the men talking who are already unlocked? When they are going down stairs, he must be either before or behind; if he is before, what is to prevent the men talking who are behind? And if, on the contrary, he is behind, what is to prevent the men talking who are before? Besides this, I could mention other occasions when communication can hardly be avoided.

257. If they were to go down in single files, that would not occur, would it?—Yes, it would; they now only go down in single files.

258. You think solitary confinement in a light cell, with proper food, and under proper regulations, is the best means of deterring prisoners from committing offences?—Certainly.

259. And reclaiming them also?—Yes, and reclaiming them also. It would have an effect of deterring by the impression that would go forth to the world that such a punishment awaited a prisoner; but as a reclaiming system, I think it would be most efficacious.

260. Are you of opinion that a term of solitary imprisonment, before the prisoner is discharged from the gaol, would have a beneficial effect?—I think it would have a very good effect.

261. It seems at present it is only on admission?—It is so.

262. Are you favourable to solitary confinement, with bread and water only?—I am myself decidedly in favour of solitary confinement, that solitary confinement being strict, and under proper regulations; but I am quite sure any thing that can be called or be thought by the prisoners inhuman, will always do more mischief than good. You must convince them that you are aiming at their improvement rather than their punishment, although by the application of such means you both punish and improve.

263. In the confidential communication you have with the prisoners, should you say the present system of punishment has a tendency to increase crime; or have you had any experience that leads you to see any reason generally for the increase of crime?—I think from the information I have (and I only state the information I have obtained from prisoners), that the present system pursued in gaols generally has a most extraordinary tendency to increase crime, and to that system I mainly attribute its increase. I beg to state to the Committee some facts which I have obtained from prisoners, who come from almost all the gaols in the different parts of the kingdom. I have examined them for this particular purpose, and the Committee must be well aware, from the arrangement of our prison, that I can do so without the possibility of their communicating one with the other. It is the

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custom in the gaols generally to place in the day wards, as they are called, prisoners committed for trial, sometimes as many as 30 or 40; during the whole day they are under no efficient superintendence, there is no restraint, nor any restraint attempted; they are there mixed together, the old and the young, the most hardened and the most inexperienced, the prostitute, the modest woman and the girl; friends are permitted to introduce food, and, in some instances, tobacco and beer. Swearing, profane and indecent talk, gambling, the open narration of former exploits, the planning and discussing the most productive and safest modes of plundering the public, the way of managing their trials, and all such pernicious conversation, is constantly going on. This course of proceeding exists throughout the whole day. Persons are thus mixed together for three or four months, when one week would be sufficient to make the most inexperienced theoretically as depraved as the most experienced, and ready, as soon as restored to liberty, to become practically so. I should say solitary confinement before trial is even more necessary than solitary confinement after trial.

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264. ARE not both the doors and windows of the prisoners' cells shut at night?—The doors are always shut at night; it is not necessary that the windows should be shut, and I should think in summer they are not; but in winter the prisoners would shut them for their own comfort.

265. Is the reason assigned for the necessity of keeping them open in the day-time, for the purpose of communication in teaching the prisoners the trades?—For the facility of communication by those persons whose duty it is to communicate with the prisoners.

266. Is strict silence observed?—Whilst in the cell; if a man is heard to speak he is reported for it.

267. Are there also persons in the passages, so that if they should speak they would be heard?—Almost always; but I should think that a man might hold a conversation with a person in the next cell to him without the warder being aware that he was talking: a man at the extremity of one passage might knock or give a signal to the officer, merely to afford an opportunity for the men at the extremity of the other passage to hold conversation one with another, and that such does constantly take place you must expect with such a class of persons; they are always looking for opportunities to thwart your intentions.

268. Are those iron doors at the extremity of the cell, or in the recesses of the cell?—The iron door is flush with the outer face of the wall of the cell: the wall is of considerable thickness; the wooden door is flush with the inner face of the wall.

269. Supposing you were to change the doors, and to place the wooden door outside and the iron door inside, would they be able to communicate then?—Yes; I do not think that would have the effect of preventing it entirely, but it would have some effect. I beg leave to refer to a part of my former examination, where, alluding to the solitary confinement that takes place on the first days of a man's admission to the prison, I was asked whether it would have a good effect at his discharge: it could not take place at the termination of the imprisonment, as the regulations stand at present. We do not know ourselves when a man will receive his pardon, and when once a pardon is received we have lost all control over the prisoner.

270. Might not an alteration be made of those rules without an alteration by any Act of Parliament?—I think not; for in some cases a pardon is received at the expiration of one week from the time the recommendation has been forwarded to the Secretary of State's office; in other instances at the expiration of a month; in some not until after three months.

271. To whom does it go?—It is forwarded to the Secretary of State for the Home Department, and from him to the King.

272. Might

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272. Might not an arrangement be made for allowing a few days between the notification to you and the man's discharge?—When once the pardon is obtained the man is no longer a prisoner, and no arrangement can be made subsequently for the punishment or the reformation of the man; whatever trifling delay you may be allowed (to make arrangements for conveniently sending him to his friends), you cannot be permitted to adopt a plan for the man's reformation after his pardon is once granted.

273. Are not the persons who teach the trades, prisoners?—They are.

274. Then it is competent for one prisoner to carry on a communication with other prisoners by means of those instructors?—It is perfectly competent, and most of the communications that take place, I have no doubt, are carried on through the medium of the wardsmen or the instructors.

275. Have there been any instances of prisoners escaping?—Not one.

276. Have there been many attempts?—Many.

277. Are not the prayers read night and morning by a prisoner?—They are.

278. Will you continue the statement you were making at the close of the last examination, with reference to the observations on the prisoners coming from different gaols?—I have stated, that from my intercourse with the prisoners, and my examination of them for that particular purpose, I have ascertained the state of discipline both previous and subsequent to conviction in many gaols in different parts of the kingdom. I have, since I had the honour of last appearing before the Committee, pursued those inquiries very much farther, and I have one uniform statement to make as the result of those inquiries, that in almost all cases there is no efficient superintendence during the day or during the night; that prisoners of all ages, and of all degrees and hues of crime, are indiscriminately associated together; I am speaking of prisoners before trial. I have found that persons who have been convicted two and three times, persons who have been sentenced to death or to transportation, some who have been actually transported, have been associated, perhaps for three, four, five and six months, with persons who have never been before a magistrate, except for the particular crime for which they were then in the prison; that beer is in some prisons introduced in such quantities that some of the prisoners themselves have been intoxicated in the gaols; that what are called free and easy's, that is, drinking, smoking and singing, go on in some of them; and I can refer to one particular prison where even there was a possible intercourse between the male and female parts of the prison.

279. Was that lately?—The man from whom I obtained that fact, and I had his testimony subsequently confirmed, has been with us about two years and a half; and he stated that it was not exceedingly difficult.

280. You deduce this from statements of prisoners now in the Penitentiary?—I deduce this from the statements of prisoners now in different parts of the Penitentiary, who could have no communication with each other, and could have no knowledge that I was making such inquiries of others, and it all comes to the same point. There may be a difference, and there is a difference, between the superintendence of one prison and the superintendence of another, but the principle is essentially the same, and the effect is essentially the same. I have taken some of the best characters I could select, and I have taken some of the worst characters I could select, and their testimony has all gone to the same point. I asked another particular question, as to what effect all this produced upon the mind, as to their being deterred from again getting into trouble; and to that point particularly all their testimony went to show that they thought a prison a horrible place before they got into it, and they thought nothing of it after they were in it; and therefore the present system is injurious, not only as confirming the bad and instructing the ignorant in crime, but as also removing all terror of a gaol. And I beg to observe, that as such characters can only derive comfort from the banishment of thought, and as it is in such situations that they can completely dissipate their minds, (finding there companions exactly suited to themselves in habit and in character,) there they strengthen and support and comfort each other; and I have no doubt that instead of men being deterred from prison, many desire and seek it. I cannot express sufficiently strongly my conviction of the evil arising from the system pursued in the gaols generally, and the gaolers themselves and the visiting magistrates must to a great degree be ignorant of what is going on. There is a system of watchfulness on the part of the prisoners, that none but those who are well acquainted with them can well understand; there are always persons on the watch, and they communicate

by signal the instant any person approaches to observe them, and the signal flies from one end of the place to the other; and from the moment that eye or ear is open to them, all that has been going on stops.

281. Do you mean to confine the observations you have made to the cases of prisoners before trial?—I do at present. I think it more important, not only for the public safety, but for the safety of the individual, to protect him before trial than after. He is then, as every body says, an innocent man; let him remain so. The moment he becomes a convicted man, there is a broad line drawn between him and society, and it is not so important, though highly desirable, that that man should be preserved from the contagion of bad companions.

282. What mode of treatment would you suggest for those persons confined in prison before trial?—As no classification can by any means meet this difficulty, because if you select half a dozen men of exactly the same state of mind and the same degree of crime, they will, by being united, become injurious to each other, just as sparks by meeting cause a flame, therefore I think that nothing short of strict seclusion, solitary confinement, can reach this difficulty.

283. Would you recommend solitary confinement before trial?—As the best and mildest punishment that can be used, the best mode for the prisoner and for the public.

284. Are you not inclined to consider solitary punishment as a very severe punishment?—I think that solitary confinement might be made very severe, and that it might also be very much mitigated. They may, whilst in seclusion before conviction, receive, without injury to the state of the prison generally, provisions from their friends; they may receive books; they may receive visits from their friends and from the officers of the establishment; they may walk in the yards in the prison at stated times, care being taken that prisoners do not then converse together; and after all, if it is severe, the increased advantage both to the individual and the public must justify and will justify such a step.

285. Are the Committee to understand that these communications relate solely to untried prisoners?—Solely; but I could extend them in almost all their part iulars to convicted prisoners: to this point I have also made minute inquiries.

286. Do they relate also to the present actual state of the prisons?—They do.

287. You say that after being confined in a gaol they cease to entertain any horror or dread of a gaol; would not that apply also to convicted prisoners?—I do apply that to convicted prisoners; but in the case of convicted prisoners, most of the luxuries, for so I must call them, are stopped; the supply of beer and provisions is not permitted, but they do not stop the unrestrained communication; the men are herded together in numbers of 10, 20 or more in the convicts' wards.

288. Do not they then become classified?—It is only a nominal classification; there is a classification according to the terms of the sentence, but frequently the worst man gets off with the shortest sentence, and the best man gets the worst sentence. As reformation must be the principal object of the chaplain's labours, my attention has been drawn to that point where I think the reformation should commence, namely, in the beginning of a prisoner's confinement, and therefore it is that I have gone into the inquiry as to the condition of prisoners before conviction; because before they come to us for reformation the mischief is all done, and the penitentiary system begins at the wrong end.

289. Do you think it is possible to discover any mode of solitary confinement for persons before trial, without inflicting at the same time a severe punishment?—Without the infliction of severe punishment. I asked several of the better conducted prisoners whether they would have chosen such a solitude as that described, or the wards as at present constituted, and they said they would have chosen the solitude; that nobody could tell what they were subjected to by an intercourse with such depraved characters, nobody could imagine the mental suffering they underwent whilst confined with such characters; and I feel convinced the arrangement I propose would be merciful even to the individual: but I do think also that you must consider mercy to the public before you consider mercy to the individual; and when you look at the vast increase of crime, (and I think that it is fair to trace a great part of that increase to the present state of the gaols,) I say you are first to consider the public, and then the individual.

290. Have you arrived at these conclusions from a very extensive examination of the prisoners in the Penitentiary?—I have examined at least 70 prisoners, coming from 33 different gaols. During a large portion of the time men are imprisoned for trial, they are separated by night, because, till they become very crowded, they can in

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most prisons give each prisoner a single night-cell: in many instances those night-cells might be made the place of their constant confinement. I think, that against the great increased expense there certainly would be in building new places of confinement adapted to solitary imprisonment previous to trial, I might fairly set off an almost certain diminution of crime, consequently a diminution of expense in the support of prisoners, in the prosecution of prisoners, and in the maintenance of a very large police, now necessary for the guardianship of the public. You would have a very considerable outlay, but I think you would have a very great diminution in your yearly expenditure, which would be something like the interest of your money. It would, perhaps, be unnecessary for me to offer to the Committee any statement drawn from publications on this subject, inasmuch as they are open to the Committee, but I have paid great attention to what is going on in America, and the statements from that country all go to prove the immediate and permanent change produced by the application of solitude, and that in a few weeks it has done more in producing order and general good conduct amongst the prisoners than all the rest of the regulations and punishments that had been formerly tried, and that where the alteration had not yet been made the prisons remained exactly in the same shameful and injurious state. I have here the fifth annual report of the Managers of the Prison Discipline Society at Boston, and I will beg leave to read two short extracts from it: "The old prison in Walnut-street remains as it was; its numbers scarcely diminishing, and its corruptions such that its officers, when speaking of it themselves, appear to be able to find no suitable language in which to express its injurious consequences." With respect to the reform in the prison of Charlestown, to Massachusetts, it is said, "In Massachusetts the new prison was finished and occupied during the last year; a competent witness on the spot says, a greater change was produced in the behaviour of the convicts, in a few weeks after they entered the solitude of the new prison, than had been produced by the combined influence of all the causes which had been brought to bear upon it during the preceding year and a half." The difference between those two instances is very striking.

291. Could punishment be properly applied to persons before conviction?—In answer to that, I would beg leave to ask whether punishment is not now applied. To persons of good character solitary confinement, especially accompanied with the mitigating circumstances I have referred to, would be no punishment, compared with confining them in company with all the vicious characters the gaol may contain. It would be a severe punishment only to depraved characters; the best behaved men would feel it as a relief, rather than a punishment.

292. Do you consider that in the present state of the houses of correction, the whole system of discipline is inefficient?—Not only inefficient, but injurious; but I do not apply this observation to the Penitentiary, because, although the system of solitary confinement might be carried very much further, yet, as compared with any other system, that pursued in the Penitentiary is infinitely superior.

293. Do you apply that to the whole system of treatment by hard labour?—I think that the tread-mill, as it is now used, does no good at all.

294. Is there any efficient superintendence exercised?—Not at all; they defy it all; I feel convinced that nothing short of seclusion will go to reformation.

295. What period of time should you consider sufficient, with reference to the punishment and reformation of the prisoners?—A very much shorter period than we now have. I am certain that two years of solitary confinement, such as I am speaking of, would be a very sufficient punishment for almost any crime to which you now apply imprisonment.

296. Do you think that the mind could bear two years solitary confinement?—Some minds perhaps could not; there must always be a discretionary power somewhere. Where the mind is giving way, it must be treated as a medical case, by removal to the infirmary, where the confinement would not be solitary.

297. When you speak of two years, do you mean literally, strictly perfect solitude?—No, because a man should be taken down to exercise and to work.

298. But still by himself?—No; I would take them in numbers, but I would take care that I did it in such a way, that they should not communicate, or if they did they should draw down upon themselves a very serious punishment. I do not mean a corporeal punishment, but moral punishment, that is, that they lengthen the term of imprisonment; an offence against the rules should deprive a man of all hope of liberation under a certain time, and as he went on offending, his term of imprisonment should increase upon him.

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299. In the ordinary cases of conviction, when three or six months confinement are ordered, what sentence would you recommend?—I would give three months of strict solitary confinement, without work.

300. In fact you would change the present sentence of hard labour to one of solitary confinement?—I should be much disposed to do so.

301. Do not you think a much shorter duration of solitary confinement would be equally efficient with a longer period of hard labour; for instance, suppose instead of sentencing a man to a twelvemonth of hard labour, he were sentenced to three months of solitary confinement, and bread and water?—The bread and water system I consider would be injurious; I think it would injure a man both in body and in mind.

302. If there was no work required, might not bread and water be a sufficient diet for a short period?—If by solitary confinement is meant seclusion from exercise and work, his body would sink under it, and as you weaken the body you weaken the mind; and instead of doing a man good, he would be considering you as his torturer, and you would be doing him harm. To do good you must to a certain degree engage the man's feelings on your side.

303. Do you mean by solitary confinement that degree of solitary confinement which exists in the first class in the Penitentiary?—I mean much more than that, but I would not give so long a period of strict solitary confinement; in place of seven years transportation, where we now give five years imprisonment, I should be disposed to give two years and a half of strict solitary confinement. By solitary confinement I mean that the prisoner should be placed in a light cell, and with sufficient food; that he should have no intercourse during the time he is in that cell, by eye or by voice, with any person but the officer appointed either for his spiritual improvement or for attention to his bodily wants; that when he is not in that cell he should be at hard work.

304. When at hard work would you allow him to associate with others?—To see them, but not to speak to them.

305. Should you not fear that that continuation of complete silence would have an effect upon the man's mind such as almost to alienate it altogether?—He would have visits from the governor and chaplain, and he might have instruction. I would have the prisoners brought together for instruction, under the same regulations as they are brought together for work.

306. Are you aware that such a plan of solitary confinement has ever been tried for so long a period?—It has been tried in America for as long a period, and fully as severe, and with very good effect.

307. What allowance of food have they in America?—In America they have a very large allowance of food. In this fifth report which I hold in my hand, there is a very long account from the Sing Sing prison at New York, mentioning the deteriorated state of its discipline from a reduction of the quantity of food.

308. You stated in a former part of your evidence, that in your opinion a great injury arose from transferring the prisoners from the first to the second class; do you find that the mind is much less fitted for the reception of spiritual instruction in the second class than in the first?—Not for the reception of it; they are willing to receive it, but I think it is less beneficial to them.

309. What punishments have you in the Penitentiary for the transgression of rules?—Confinement either in a refractory or in a dark cell, on a bread and water diet; we use no corporeal punishment. The punishment I propose, and which is also used in the Penitentiary, is that the length of the imprisonment should depend upon the conduct of the prisoner; I think this is one of the best modes of punishment. There should always be a body like the superintending committee of the Penitentiary, with a power vested in their hands of lengthening or shortening the punishment according to the conduct of the men.

310. Is not that so now?—It is in the Penitentiary.

311. Would you wish that the powers of the committee were more extensive?—Very much more extensive in that particular. I would also say that strict seclusion would prevent very many of the offences which arise from intercourse; and that if you separated prisoners you would have fewer calls for punishment, and the dark cell, which rarely if ever does good as a punishment, would be nearly got rid of.

312. How many persons is the Penitentiary capable of containing?—One thousand; there are at present a thousand separate cells; but by dividing the second class working wards, separate cells might be provided for about 250 more.

313. What is the greatest number that have ever been there since you have been in the

the establishment?—Six hundred and fifty. I think at other times there have been above 700; and nearly the same strength of officers could attend to a greater number.

314. Is not one of the reasons why the expense of the Penitentiary appears to be so great, that the same establishment is kept up for 500 prisoners as would be sufficient for a much larger number?—It is so, certainly.

315. Do you find that a large proportion of prisoners sent to the Penitentiary, when they come in, are unable to read and write?—A very small proportion are unable to read.

316. Do you proceed, in the course of the discipline of the Penitentiary, to teach them to read?—Immediately.

317. Do you find they are easily taught?—Very easily, in most cases; I have two facts in my immediate recollection. Two men came in in the early part of February; I was examining them only last evening, and I found that both of them could read short easy sentences, and at the time they came in one did not know his letters, and the other only his letters; this improvement has taken place in less than two months.

318. How are they taught?—There is a schoolmaster, and we introduce into the wards something like the Bell system; the prisoners teach each other, and the warders are always present during the school-time.

319. Does that apply to the first class?—The first class and the second class are in this respect exactly under the same regulations; the prisoners of each ward are brought together in the passages of their respective wards, monitors are appointed from amongst the prisoners according to their abilities. The officer sits in the middle, so that he commands the whole of the men; 20 or 30 prisoners are usually together. The chaplain, the governor and the schoolmaster, are constantly going about the schools.

320. Have not you found that many of the prisoners in the Penitentiary, for the first year frequently behave ill, and are frequently reported, and that after that period they behave better?—Constantly.

321. Do you attribute that to their reformation, or to the hope of getting their pardon?—In some cases it is of course to be attributed to the former, and in other cases to the latter. I beg to explain an answer which I gave on the former day. I was asked if I had found instances of persons who were becoming comparatively improved, relapsing after they were removed to the second class. I answered that such was the case; and it is for this reason: they are injured in a variety of ways; one man's industry is injured by going into the second class, because the idle do not like more to be done by one in a cell than by themselves, otherwise their idleness is detected. The tempers of many are injured by the constant little discussions which arise when men have opportunities of talking to each other. I do not mean only that there is injury done to their minds by their talking upon improper subjects, (which too often occurs), but they are injured in a variety of ways, and therefore in some respects they are in a worse state after they enter the second class than before.

322. How do you reecncile that with the answer you have just given, that you found them improved as they were longer confined.

323. That was applied generally; I must admit that improvement does in some few cases go on in the second class, but generally speaking there it stops, and I have always said that I would rather recommend to pardon than to their promotion to the second class. Such statements must always be taken with modifications.

324. Will you state in what manner the reports of the behaviour of the different prisoners are kept in the Penitentiary?—There are two character-books kept, one by the governor and another by the chaplain, in which is entered the conduct of the prisoners from the time they enter the prison to the hour they quit it, their offences during their confinement and their punishments, with observations made from time to time upon their general conduct and behaviour. There is also entered the offence for which each prisoner was convicted, the gaol from which he came, together with such information as can be obtained respecting his connections, his former life and conduct, the education he has received, what religion he professes, what instruction and books have been given to him during the time he has remained in the Penitentiary; so that you have in one glance the man, almost from his birth to the time he quits you.

325. Are you in the habit of entering your own opinion from time to time of his improvement or the reverse?—Yes; but when the prisoners increase, those notes must

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must very much diminish, otherwise the writing would consume the greater part of the chaplain's time.

326. Are the committee of the Penitentiary guided by referring to those books, in recommending the prisoners for pardon?—I believe very much so, and by the opinion expressed by the governor and chaplain, when they are referred to.

327. Would those books bear out the statement that you give with respect to the injurious influence of the second class?—I should think very much so, but I found my opinion more upon a particular knowledge of the individual, than from the number of reports in the character-books. A man will keep out of punishment, and you will not find any thing in the book against him, and yet that man may be going back; he may be restraining himself only that he may obtain his liberty; therefore that must not be taken altogether as a criterion.

328. Is corporeal punishment now inflicted in the Penitentiary?—It has never been inflicted but once.

Mr. *John Wontner*, called in; and Examined.

Mr. *John Wontner*.

329. YOU are the keeper of Newgate gaol?—I am.

330. What number of prisoners are there at present?—About 364 this morning.

331. Are those prisoners kept separate, or are they kept together in yards and wards?—They are kept together in yards and wards.

332. Are they in large numbers in those yards and wards?—Varying from 30 to about 70 or 80 in yards, and from 15 to 30 in wards.

333. Have they separate sleeping-cells?—They have not, except persons under sentence of death, and then they sleep three in a cell.

334. How many sleep in a room?—Our day-rooms and our sleeping-rooms are all one; the utmost that sleep in one room is about 30.

335. Then are the Committee to understand, that at night they are collected together in numbers of from 15 to 30 in their sleeping-rooms, and that during the day they are associated together in the yards?—Yes; in numbers of from 50 or 60 or 70, according as the prison is filled.

336. Is that the case with persons before trial?—Ours are principally persons committed for trial.

337. Is there are any other classification?—No classification, except according to the crimes. If persons come in charged with bigamy, or servants for robbing their master, they are put distinct from persons committed for actual thefts.

338. If a boy is committed for a theft?—He is put into the school.

339. Are not many of such boys there old offenders?—Certainly.

340. Supposing a man is committed for the first offence?—Those of whom we believe that it is the first offence are put in a yard apart from those who we know have been in the habit of practising crime.

341. Is there one yard appropriated to persons less criminal than others?—There is.

342. Supposing a man is committed for burglary, and it is his first offence, would he be put in a separate yard?—We should put him in the yard which we think the most secure, because we think them the most dangerous.

343. Supposing a servant is committed for theft?—Then he is put in the yard with servants and persons who are charged with robbing their masters, and persons who are not known as thieves or as associates of thieves.

344. How many classes have you?—Four classes for untried prisoners, and we have persons transported and sentenced to death besides.

345. Does it not happen that persons who are committed for a first offence are placed in company with others who are hardened felons?—It does constantly happen, and there is no means, according as the prison is arranged, to alter it; we have plenty of ward-room, but too few yards.

346. If they sleep together in such large numbers, would there be any advantage in having a large number of yards?—Decidedly; we have more wards than the yards can accommodate for persons to walk about and take their exercise.

347. Are there any means of erecting a number of separate cells within the walls of the prison?—Not on the present site of the prison; it is impossible; from the number of prisoners we have at times, I should say we should require a prison four times as large to do it.

348. What is the largest number you have known?—Six hundred and forty-eight.

349. Is not the building very inadequate?—Quite so; I have always represented it as such.

350. How

350. How many was it built for?—Formerly it was for debtors likewise, and then I have known as many as 1,000 there; but I should say that 400 are as many as ought to be there.

351. What are the four classes?—Servants, and persons for offences which we do not consider so criminal as thefts; persons who have committed thefts which we believe to be the first offence; then there are persons who are confirmed thieves, and the associates of thieves; and the fourth is the boys.

352. What class would a horse-stealer come in?—For the first offence, I should put him in the second class.

353. Where should you put a person charged with coining?—We put them with the third class, because no man coins without he has been previously passing bad money.

354. Housebreakers?—We should put them in the most secure place.

355. Murderers?—We should put murderers in the first class, with servants; we have always done so, because we have no other means of classification. The reason of that is, that he may be innocent.

356. Are there many persons sentenced to different periods of imprisonment who are kept in Newgate gaol?—No, except the Court of King's Bench think proper to sentence them; it is not a house of correction, it is a house for receiving persons for trial, and for sentence of death who were under sentence of transportation.

357. Are the prisoners allowed communication with their friends?—They are.

358. Constant communication?—They are; they are allowed to see one friend a day, and the solicitor whenever he chooses to come.

359. Are those persons under sentence of transportation allowed to see their friends?—They are; but they are removed as soon as possible after the sentence.

360. What facilities have untried prisoners for getting in beer or refreshments?—They are allowed by the rules of the prison to have a pint of beer at dinner and a pint of beer at supper, if they can pay for it.

361. Can they under colour of that get a larger quantity?—Not unless by getting another man who has not the means of paying for it to get it as for himself, and then taking it themselves; but the beer which they receive upon the average does not amount to a pint a day, nor half a pint.

362. Is such a thing as that frequent?—It is very seldom indeed, and when it does happen it is punished.

363. Is it your opinion, that owing to the necessarily inconvenient arrangement of the prison, it is possible for a person sent there for trial, who may be an innocent man, to escape contamination?—I should say not; I should say, if he is badly disposed, he is sure to be further contaminated.

364. If he is not badly disposed when he comes in, is not he likely to become so?—Certainly, he must know a great deal more that is wicked than he otherwise would have known.

365. Do not the hardened offenders take a delight in initiating others?—They take a delight in stating what has occurred to them of their different delinquences and misconduct; it is their boast continually.

366. How many would Newgate be capable of containing, if a more extensive system of classification were pursued?—I can hardly form an opinion upon that point; if we had more yard-room, we could classify them to a greater extent.

367. How often does the chaplain visit them?—Daily; and there are prayers every morning.

368. Do you think his exhortations have much effect upon them?—None.

369. In fact, do you think whatever good they might do would be rendered null and void by the influence of bad example?—Yes, and their indisposition to attend to what he says.

370. Is it your opinion, that if there were better classification, the probability of an increase of crime would be diminished?—Certainly, I think so.

371. What length of time are they in prison before trial?—We have trial every six weeks; our average is about 50 a week of people committed to our place, so that one man may be one day, and one man six weeks.

372. If it were possible to contrive a gaol with a sufficient number of cells to enable you to keep the prisoners totally apart from each other, are you not of opinion that that would tend to prevent the increase of crime?—I should say so decidedly.

373. What is the longest period that a prisoner can be kept in gaol before he takes his trial?—Seven weeks; but six weeks is the general period between sessions and sessions.

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374. Have you known instances of persons being there very frequently?—Yes; six, eight or ten times.

375. Is that the case with boys?—Yes, frequently.

376. What is the largest number you have in one ward?—Thirty.

377. If a boy is sent in even upon a vague accusation, is he not infallibly exposed to contamination?—He is.

378. What number of boys have you?—They vary from six to thirty; they are all under a schoolmaster. The schoolmaster is a prisoner; he is a man whose former character has been good: he was a schoolmaster, and he had kept a respectable school at Streatham; he committed the offence of going to a friend's house, and putting a shawl in his hat; he was sentenced to transportation, and the sheriff recommended that he should be employed as schoolmaster.

379. Have you reason to be satisfied with him?—Highly satisfied.

380. How long has he been in that situation?—A year and a half.

381. Have you experienced any inconvenience within the last twelvemonth from the Recorder's report not being presented to the King?—We have, very great; we have 28 at this time.

382. Has the report of the persons convicted at the preceding sessions been made to the King?—Yes; there were two of them made together.

383. Formerly did not it frequently happen that there were two or three reports made together?—We have had as many as 60 persons reported together, the increase of three or four sessions; but since His present Majesty came to the throne, he has always been ready.

384. Do you know the reason of the two reports being made together?—I cannot account for it.

385. Does not great inconvenience result from it?—Great inconvenience, and great injury to the prisoners: there is one particular case, in which a man was charged with stealing something out of a window; that man knows, from what occurred in the court, that he shall not suffer.

386. Do you allude to the inconvenience that arises from keeping together those who are morally certain that their sentence will be commuted, with those who have every prospect of suffering?—Decidedly; it makes them less serious.

387. Is the result, that those who are likely to suffer do not prepare themselves for suffering till after the Recorder's report has been presented?—They do not; there are two now under sentence who expect not to suffer, who would formerly have been considered the most dangerous cases, they are both bad cases of burglary.

388. Is not it the fact, that the law enabling Judges to record sentence of death, is not supposed to apply to the city of London?—It is.

389. Are you of opinion that those men do not expect to suffer?—They do not; they did not even prepare petitions, or get their friends to exert themselves in their behalf.

390. Are executions as frequent for certain offences as they used to be?—Not by any means.

391. What effect has that upon the prisoners generally?—I did not see any effect either one way or the other; I do not see that we have any more crime in consequence of it; I do not think that capital cases have increased in consequence of it.

392. Do you think that the police have had any thing to do with it?—I wish to give every credit to them, they certainly have improved very much latterly.

393. From your experience, does the dread of death operate powerfully on their minds?—It operates very much upon them in prison.

394. Do those who are sentenced for transportation appear to suffer much mental anxiety upon the subject?—Some of them do, and others do not. I think the evil is this, that persons who are sentenced to transportation know that their friends are exerting themselves to get good situations for them, and they are receiving information from New South Wales that this person and that person, whom they had known here, are in situations where they are getting money; this makes transportation no terror to them. I have known men who have gone there, to whom it has been as severe a punishment as it could be; others who have been fortunate enough to curry favour with the persons with whom they were going out, such as the captain of the ship, and they have got situations upon going there.

395. Generally speaking, has transportation sufficient terror?—It has not sufficient terror, because the spirit of the sentence is not carried into effect. I mean that when

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when they are transported, they are not sent into the country to perform labour; they are not secluded, but they mix with the bodies that they have gone out with.

396. Are they not aware that, generally speaking, when convicts arrive in New South Wales they are taken into the service of the settlers and employed as agricultural labourers, and well treated in every respect?—They are. I have a letter in my pocket from a person about whom an immense deal of interest was made. When he got out there, he was disappointed in his expectation of being settled with some persons there, but he was sent up the country to a settler; and he writes to me, saying, that the punishment he is undergoing is more severe than any thing that can be pictured by any one; he is working from morning till night; for the most trifling offence he is cut off all his little comforts, such as tea and tobacco: he says that it would be well to communicate to people in his place what transportation is when carried into effect in the true spirit of the punishment, and entreating me to exert myself with persons to ameliorate his condition.

397. Is he in the service of a colonist?—He is.

398. Then, in fact, is it your opinion that transportation is an efficient punishment, and would operate to prevent crime, and to deter persons from committing crime, if it were not for the comfort which in many cases they receive on arriving at the colony of New South Wales?—I am decidedly of that opinion that it would be so.

399. Would it not be very easy to make transportation really a punishment?—It would.

400. Supposing they knew that upon arriving in New South Wales they would be condemned to work in the government gangs in chains for a couple of years, what effect would that have?—It would strike the utmost horror into them; we know that people who have been sent to the penal settlements have escaped from there, and have conveyed to us the most horrible accounts respecting it.

401. Do you think, if it were made an invariable rule that, without any reference to a man's qualifications or what his former situation in life had been, he should be confined to work for a certain period in the government gangs in irons, that that would have the effect of deterring from crime and rendering transportation an object of terror?—I am fully satisfied that it would.

402. Has not a London pickpocket, for example, a greater horror of transportation than a labouring man?—He has; it is the love of idleness which makes those people commit offences.

403. Do you apprehend that the greater part of those men engage in robbery from necessity?—The majority of them, I think, from innate depravity and from association.

404. What is the feeling of the convicts at Newgate with regard to the hulks?—It is no terror otherwise than as being secluded from their friends.

405. Do they consider the discipline of the hulks as severe?—They never complain of its being laborious and painful to them.

406. Is the discipline strict?—It is strict to keep them to their work; but the nature of the work is not such as to annoy them.

407. What is the feeling of the convicts as to the Penitentiary at Milbank?—It is more the friends that wish to get a convict into the Penitentiary than the convicts themselves.

408. Then if a man is sentenced for seven years transportation, he is not generally very anxious to get it commuted for the Penitentiary?—In some few instances, where they have a wife, or where they wish to be restored to their friends again.

409. Then you think the majority would prefer going to the hulks for seven years rather than to the Penitentiary?—I do consider so: they have the means of converse and communication with each other at the hulks more than they have at the Penitentiary; they are enabled to talk with each other in gangs, and there is not that surveillance over them which is observed in the Penitentiary.

410. Is there not a facility of obtaining the King's pardon after some time?—So there is at the Penitentiary; they will get out frequently in a shorter time from the Penitentiary than they do in the hulks.

411. Are many of your prisoners sent to the Penitentiary?—Very few.

412. By whom are they recommended to be sent there?—It is through the application of their friends to the Secretary of State, and sometimes by the recommendation of the Court.

413. Is your opinion often asked as to the character of the individual?—As to his character, but not as to his fitness for that; I give them the character of the

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parties as far as I know it, and then leave it to the Secretary of State to make his selection, without recommending.

414. Do many persons come to Newgate who have been at the Penitentiary?—Yes; and many of them have told me that they have concocted plans of robbery there.

415. What is the report they made of the Penitentiary?—That it is very irksome to them, and very unpleasant.

416. Can you suggest any mode by which the discipline of your prison might be materially improved?—Only by an extension of the building.

417. Are there capabilities of extending it?—There is plenty of ground in the neighbourhood.

418. Is not the prison maintained by the corporation of London?—Entirely.

Mr. *George Laval Chesterton*, called in; and Examined:

Mr. *G. L. Chesterton.*

419. YOU are the Governor of the House of Correction in Coldbath-fields?—I am.

420. How long have you held that situation?—One year and eight months.

421. What became of your predecessor?—He is pensioned by the county.

422. How many prisoners are there at Coldbath-fields?—Last night we locked up 985, and they exceeded a little time ago 1,100; it is a greater number than has ever been there before.

423. Did you ever belong to the prison in any other situation than that of governor?—Never; I was in a department of the army before I came there.

424. How many is the prison calculated to contain?—The old building was originally intended for 250; it has been enlarged by a new vagrant ward, which is calculated for 200, and by a new female ward, which is not yet completed, for 300. Those which were originally intended for single cells have been fitted up for three; the Act of Parliament requires that we should put one or three; and as we have not sufficient by putting only one, we have put three in every cell.

425. Is there any such thing as solitary confinement in that prison?—There is not, with the exception of the men who are there for unnatural practices, and such boys as are put there for punishment, and prisoners put there for offences against the rules of the prison.

426. Are the recommittals frequent?—Very frequent.

427. What punishment do the prisoners undergo in the House of Correction?—They are kept entirely on prison allowance, and are worked upon the tread-wheel; those who are not upon the tread-wheel are employed in picking oakum.

428. What is the prison allowance?—Twenty ounces of bread per day, a pint of gruel in the morning for breakfast, and a pint of thick soup for dinner; and each alternate day six ounces of meat boiled without bone, instead of the soup.

429. Are there any means of inflicting solitary confinement to any extent?—Not to any considerable extent.

430. From the congregation of prisoners both day and night, do you think that bad consequences ensue?—There is no doubt about it.

431. Are the prisoners when not at labour confined in large rooms during the day, or in their cells?—They are confined in large rooms during the day, but they are very little off labour. During the time they are on the tread-wheel they are kept in silence, as far as one turnkey in every yard can enforce it.

432. How many prisoners are there in every yard?—In some sixty or seventy, and in the reputed-thieves yard there have been lately as many as 130.

433. Is it possible to enforce silence among so many?—It is impossible; we do it wonderfully considering our means.

434 When they are off the tread-wheel have they any means of talking?—They have.

435. Have they thereby the means of laying plans for future delinquences?—They have.

436. Have you the means of classification?—We classify them according to Act of Parliament, but a moral classification for want of room we cannot effect.

437. How many yards have you?—We have six tread-wheel yards allotted to the men, and two just occupied for the vagrants will make eight, and two for the women.

438. Do you put the women on the tread-weel?—The drunken disorderly prostitutes, who are fit for nothing else.

439. Do

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439. Do you consider the tread-wheel a severe punishment for men?—When it is worked hard it is a severe punishment.

440. How many steps do they ascend in a minute?—I have not made that calculation, but with the interval of rest they work eight or nine hours a-day.

441. Within a short time do not the muscles become so accustomed to that exertion that they do not feel it?—It is a very severe exertion, and it is very much dreaded, and I am of opinion that no permanent ill effects result from it to the constitution.

442. Do you think that the prisoners, generally speaking, considering that they are allowed to associate together, and that they have no other punishment besides the tread-wheel, do in fact dread much confinement in your gaol?—I have made particular inquiry into that subject, and I have ascertained that confinement for any length of time in our gaol is very greatly dreaded; we confine them entirely upon the prison allowance; we are very strict in the discipline; and I have every reason to believe that they do dread the imprisonment very much.

443. Are they ever allowed to see their friends?—Except in particular cases, only by orders of the magistrates, and then at a distance. There is a visiting place erected for the express purpose; there is a lattice-work, and the turnkeys can walk between, so that every thing that is said may be overheard.

444. Do you mean that the tread-wheel is very much dreaded, or the prison?—The prison altogether; the deprivation of beer and of spirits, and being kept upon what they consider a very inadequate allowance; because the prisoners themselves consider themselves starved; that is their own expression.

445. Are you not aware that their allowance far exceeds the usual fare of an agricultural labourer?—I think the allowance is fully equal to the necessities of the prisoners who have to work upon the tread-wheel three or four months; when it exceeds five or six months, I think the prison allowance is not altogether equal, and by the order of the surgeon it is frequently increased.

446. Are there many instances of persons being recommitted very frequently?—Very many indeed; at this moment I have 375 persons who have been in the prison before.

447. Does that look as if there were a great dread on the part of the prisoners?—I am fully satisfied that they have a dread of it; but I do not think, from what I have observed, that any thing in the shape of punishment will deter the old offenders.

448. Have you any experience of the effect of solitary confinement?—Yes, they dread that very much.

449. Do they not dread it more than hard labour?—They do.

450. Do you not think that solitary confinement, with as low a diet as is consistent with health, and no more labour than is necessary for exercise, would be considered a much severer punishment than any thing now inflicted upon them?—There is no doubt about it.

451. And that it would tend more to improve the moral condition of the prisoners than the present system?—I should say certainly, decidedly so; although I must beg to say, that I consider the character of those people so dreadfully abandoned, that I think very little short of a miracle can work reformation in most of them; I refer to those who embrace crime as a profession, and they are very numerous.

452. Of the 985 shut up last night, what proportion are women?—About 300.

453. How are they separated?—They are separated by making every sort of arrangement we possibly can for their accommodation, apart from the male side of the prison.

454. Are the boys separated from the men?—They are; but I would beg to state the necessity of some change with respect to the boys; the punishment of the prison is no punishment to them; I do not mean to say that they would not rather be out of the prison than in it, but they are so well able to bear the punishment, and the prison allowance of food is so good, and their spirits so buoyant, that the consequences are most deplorable.

455. How many boys are there in the prison?—Eighty, in one yard.

456. Are they sentenced to hard labour?—They are; and they work, with the exception of the time when the schoolmaster is with them.

457. Is their allowance of food ample?—It is the same as to the men; the surgeon has been consulted about it, and it has been supposed that growing boys require as much as men; but the effect is still worse upon them than upon the men.

458. Do you not think that the punishment of solitary confinement is peculiarly excellent as applicable to boys?—No doubt about it.

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459. What would you suggest as an improvement with regard to boys?—Keeping them distinct; either working them upon the tread-mill, and as soon as they come off shutting them up in cells, or else, when they are taken into custody, giving them a flogging and discharging them.

460. Have the magistrates been in the habit of sentencing persons convicted to solitary confinement?—Very rarely, I believe; the law is so framed that there are not many offences that will carry solitary confinement with them. It is very rarely that we have those sentences; but one of the reasons may be, the impossibility of our doing so in the present state of the buildings; we have only seven solitary cells for punishment, and those are dark cells.

461. By converting a great portion of the day-rooms into solitary cells, would you not get a great addition to them?—Certainly.

462. Can you say into how many cells those day-rooms might be converted?—I should think each might be converted into half a dozen; in addition to that, we have now 143 cells in the new female ward, which is not yet occupied.

463. Are there capabilities of adding to the gaol without any very great expense?—I should say not without very great expense: we have abundance of room; we have a very considerable space of ground enclosed.

464. Within the precincts of your own walls could you add very materially to the building?—Yes; the prison might more easily be added to by building another story; but the expense would be great.

465. Would not that expense in a few years be repaid to the county, if by establishing a system of solitary confinement, you could substitute a short period of punishment for a very long one?—Certainly; but my opinion is, from what I have seen, that there are not many men that can bear solitary confinement on bread and water to any very great extent; it is a punishment that must be inflicted with great care for any long period of time. The men confined in our prison for unnatural practices are kept in solitary confinement the greater part of the time, and we find the health of those men is much more affected than of those who are worked upon the tread-wheel for a greater period of time.

466. Are those men allowed to leave their cells for exercise?—Yes.

467. How long are they confined?—There is one with us now who has been confined for a year and a half, and from that to six months.

468. For minor offences ought not a man to bear three or six months solitary confinement?—It depends upon the state of the health.

469. Who communicates with the prisoners in solitary confinement?—The chaplain.

470. How often?—He is at liberty to go whenever he thinks it right.

471. How often do you imagine that the chaplain does go in point of fact?—I should say, about once a week; he has them every morning in the chapel; he delivers an exhortation to them every morning.

472. Upon the whole, judging from your past experience, are you of opinion that the substitution of solitary confinement for hard labour, and as much seclusion as possible from their fellows, would be an improvement in the prison discipline?—Most undoubtedly.

473. Do you find a great proportion of the boys unable to read and write?—No; an inquiry I have made lately has shown me that 88 out of 120 had been educated at national or other schools.

474. Do you ever question them as to how they fell into their courses?—Yes; some of their parents led them into it: it is no uncommon thing when we are listening to the coversation between the prisoners and their parents, to hear a conversation that shows at once the cause of the boy's situation; but the old thieves are in the habit of bringing in with them young inexperienced lads. Whenever the elder thieves are recommitted, they are generally recommitted with another. I have known many very lamentable instances of that fact.

475. Would it not add very much to the severity of the punishment if they were precluded from any intercourse with their friends?—It would, no doubt.

476. Do you think that any benefit can by possibility arise to them by communicating with those friends?—Nothing but the satisfaction of knowing that they are well; sometimes the friends of prisoners are thrown into alarm by false reports of those who go out; they report they are dead, the parents then are very anxious to see them.

477. If they had the assurance of yourself or the chaplain, would that satisfy them?—Perhaps that might satisfy them.

478. Have

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478. Have there been any instances of persons being allowed to receive very frequent visits from their friends?—Yes, there are instances of that; there is a particular instance of a man committed for wilful and corrupt perjury; it being done by desire of the justices, because he wishes to institute proceedings to establish his innocence.

479. When you proposed the plan of whipping boys and then discharging them, do you mean a military whipping?—Not to the same extent as in the army, but by cat-o'-nine-tails; I know that is very much dreaded, when it is inflicted by the sentence of the criminal courts.

480. How is that inflicted?—It is at my discretion; I generally give them three dozen lashes.

481. Do you think it desirable that it should be at your discretion?—I do not think it desirable, but there is no law which points out how it shall be; and when a boy is sentenced to be well whipped, I add a dozen more.

482. Is the surgeon present?—He is.

483. Is the boy obliged to go into the hospital?—Never.

484. Is there any permanent mark left upon the back?—No.

485. What would be the effect of flogging men, in your opinion?—I am friendly to it when they appear to be lost to all sense of moral feeling.

486. Are the magistrates in the habit of passing that sentence?—No; occasionally, a man has been sentenced to be publicly whipped, but it is hardly ever resorted to.

487. Does your opinion refer to private whipping within the gaol?—Yes.

488. You stated that you had found solitary confinement, with bread and water, injurious to the health of the prisoners; might not solitary confinement accompanied by a sufficient quantity of food, to be regulated by the surgeon, be inflicted for a period of considerable length without injuring a man?—Decidedly; I have been speaking of solitary confinement on bread and water, which I consider impossible for any length of time. I beg also to say, that the confinement to be altogether solitary I think is not possible; they are obliged to assemble at chapel.

489. Why do you continue the school, if the boys can read and write?—It is one of the provisions of the Act of Parliament; it is in order that they may be instructed. May I be allowed to beg the attention of the Committee to the present state of legal classification? There are a vast number of cases of misdemeanor in law, all of which may be put together, and I think it highly injurious: attempts at housebreaking; utterers of base coin; procurers of base coin; unlawful possession of any goods; fraudulent misdemeanors of any kind; assaults; desertions in the army; military offences; cutting trees and shrubs, and destroying hedges, &c.; wilful damage; bastardies; neglect of work; breach of contract; misbehaviour in a workhouse; unnatural behaviour; offences against the excise and customs laws; nuisances; and many others. Now all these are by law classed together as misdemeanors.

490. How many classes of misdemeanor have you?—Four. We have two labour classes, and one not subject to labour, and the unnatural offences; but the men committed for unnatural offences are put apart from necessity; the utterers of base coin and housebreakers are a very bad class, and I think they should not be put with the others.

491. Have you any suggestions to make upon this subject?—I am an advocate for solitary confinement, and for a proper moral classification; it is not very easy, because, although the parties may not have been in our prison, and although therefore we may not know them, they may have been in prisons in the country; but that should be done as far as it is possible.

492. How often have you prisoners with you?—We have had prisoners a dozen times; I have a boy of 10 years of age who has been with us eight times. When I first became governor of the House of Correction every sort of abuse prevailed: all the prisoners could have every thing that they pleased; most of the turnkeys were bribed, and were then conniving at every sort of impropriety; and the prison rules were entirely laid aside. The magistrates were aware of the mischief, and anxious to suppress it, but could not do so without the cordial co-operation of the prison officers, and at length the late governor was induced to resign, and I was appointed. I put a stop to all those irregularities, and established a proper system of discipline; and notwithstanding that, and notwithstanding the dread of the punishment of the prison, offenders return as frequently, and we see the same faces over again.

493. Do you think, if solitary confinement were substituted for hard labour, you should

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should see them then?—I think they would aim at a higher offence, in order to get out of the country, for they will not live at home in habits of industry.

494. What is their feeling with respect to transportation?—They dread transportation; but many of them say they would rather be transported than be for a twelvemonth in the House of Correction at hard labour. I was told by an intelligent prisoner, who inquired among the thieves, that he believed there was not a man of that class in the yard that would not prefer seven years of transportation to two years imprisonment and hard labour.

495. You stated that they would aim at higher offences, supposing that solitary confinement were substituted for hard labour; but if they could not obtain the object of their aim, would not solitary punishment be very useful?—Certainly; they go out with the hope that they shall have better luck in future, to use their own term; there are some of them who would reform if they had the means.

496. Do you think that many are driven from the want of employment to their old courses?—There are many that are driven to it by poverty and distress; but I think the great bulk of them follow it from depravity, and from the love of that sort of life.

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Mr. *George Laval Chesterton*, again called in; and further Examined.

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497. IS there anything you wish to state in addition to your former evidence?—There is one point I have thought very material. I think there is a means by which those notorious thieves might be got rid of by the Vagrant Act, which is, I believe, the 5th of Geo. 4, c. 83; the tenth clause enacts, that any incorrigible rogue may be indicted at the sessions, and that he may be sentenced to one year's imprisonment, and to whipping, for any number of times that the sessions may think fit. Now I think that after a great number of commitments to prison, as reputed thieves, rogues and vagabonds of a certain class, they might be prosecuted and transported, and you would thereby get rid of all those who are thieves from habit and from business; it would save a vast deal of contamination out of doors, and it would likewise show those who are first beginning a career of crime, that there is a limit to it.

498. Can that be done by the present law?—It cannot be done by the existing law. I make this recommendation from perceiving the vast number of times that prisoners have returned to our prison, many of whom we know to be thieves by business. The mischief is very great, they bring in younger lads with them that are initiated with them, and it is impossible but that they must do infinite mischief out of doors. Upon looking over my evidence, I see that the evidence I have given seems to imply that I am unfriendly to the operation of the tread-wheel; I am not at all so, because the tread-wheel is an admirable mode of prison discipline; but if, when they are worked upon the tread-mill, they were afterwards locked in solitary cells, instead of being allowed to herd in the yards, I think it would be a great improvement.

499. Do you consider the tread-wheel any punishment to a man that has been in the habit of strong exercise out of doors?—It is a very severe punishment.

500. Have you ever ascertained what number of steps they ascend in a minute?—No; they work for a great number of hours in the day; they rise at six in the morning, and they work from half-past six to half-past eight, and then go to breakfast, and from thence to chapel; chapel occupies about half an hour, and then they go to labour again; they are off then till three, and they labour again till near six o'clock, with an interval of rest.

501. Do they appear much fatigued by it?—Exceedingly so.

502. After being accustomed to it, do you find that to be the case?—Not so much as at first; at first it affects them very much indeed; they perspire greatly, and they complain of pains about the loins; after a few days it goes off; but when they have worked for four or five or six months, they complain of being greatly reduced.

503. Do you find that they really are reduced; is that the opinion of the medical officer?—It is his opinion, because he so frequently increases their allowance of provision.

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provision. I will not say it at all results from the tread-wheel, because the mind is at work as well, and very frequently there are family causes out of doors.

504. Is it possible to enforce silence in the punishment of the tread-wheel?—I think it is possible; not absolute silence, unless you have a separation between every prisoner on the tread-wheel, a sort of stall for every man to stand in.

505. Would it not be easy to make those stalls?—There is a little difficulty in the detail, but I think it might be done.

506. Would it not be easy, by proper inspection, to keep them from communicating when they are off the wheel?—When they are in such great numbers in the yard we can do it; but it can only be done by excessive punishment, and we must be continually locking them up, and keeping them upon bread and water, which is of course very painful, to enforce discipline continually by punishment. I am afraid on the one hand that the prison discipline should be relaxed, and on the other that I should be accused of excessive severity; and I am very anxious to steer a medium course.

507. How long have you been in Cold Bath Fields?—Nearly two years.

508. Can you state about the number of the convicts that have been put upon the wheel that have returned?—I should say about two-thirds of them have come back again.

509. Have you applied the power you obtain to grinding corn, or any thing else?—None, whatever; it has undergone discussions in the sessions, but the expense of making it applicable would be great.

510. So that the whole of this labour is entirely lost?—It was stated in the sessions that a committee of magistrates had been appointed to inquire into the practicability of it, and they found upon inquiry that they could make it so at an expense of, I believe, 5,000 *l.* or 6,000 *l.*; they advertised likewise for an officer to prepare the machinery, and the only offer they received was 100 *l.*, that was to bore guns, and therefore they conceived that the expense of applying the machinery to profitable purposes would be so great, and the return so little, that they were deterred from it. There is another objection, likewise, to having things come within the walls of the prison, and making the county a trader.

511. Do you know the mode adopted for the grinding of wheat for the supply of Newgate and other prisons within the City?—Yes; I have seen it at Giltspur-street Compter.

512. Do you think that labour much more severe than the tread-wheel?—If it is kept up for the same length of time that the tread-wheel is kept up, I think it is more severe.

513. Do you think the London thieves would return again to such labour as that?—Speaking from what I have seen in this prison, it is my opinion that there is no punishment that you can devise that will deter them.

514. Have you any experience of solitary confinement?—We have solitary confinement as a punishment in the prison.

515. Do you think any man who has been on the tread-wheel four or five months when his muscles had become habituated to that species of exertion, finds it very severe labour?—I think it is; they complain continually; and they certainly are reduced in bulk.

516. Are the prisoners in Cold-Bath-Fields prison allowed to purchase beer or tobacco, or spirits, or any luxuries of that sort?—They are kept entirely on the prison allowance; there is not an introduction of any forbidden article whatever; the surgeon, when he sees it necessary, has the power of ordering beer and spirits, and there are some prisoners allowed them by the visiting committee; those, for instance, who scour, and the washerwomen who wash the linen of the prison; but that number is very inconsiderable.

517. Is it your opinion that no punishment, however severe, is sufficient to deter a confirmed thief from returning to his inveterate habits?—That is my opinion.

518. What would you recommend?—I would recommend sending them out of the country. I have made inquiries from prisoners, many of them intelligent persons, in different parts of the prison, and I have endeavoured to ascertain what the real facts are, and that is the conclusion to which I have come. It would be necessary, in the event of any law being framed to punish those parties as I have proposed, that care should be taken, because they so frequently come in in different names, that the commitments under the Vagrant Act should be produced in court; I do not mean that those who are committed for taking alms, or for lodging out of doors, should be treated so, but those who have been convicted of acts of dishonesty; those are people

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that we know to be thieves. I would recommend that, upon a third conviction, they should be sentenced to transportation. We have them coming five, six or seven times, and I know that they dread the punishment of the House of Correction, but it is because their habits are so decidedly bad.

519. Do they dread transportation?—They do; in some cases they do not.

520. Would you propose transportation for a short period, or for any lengthened period?—I should say for life, unless they gave those unerring signs of amendment upon which you can rely. I could mention the name of one man that has been frequently in the House of Correction, who is one of the most desperate characters in this country; that man commits his depredations with a great deal of dexterity, and it is not a very easy thing to convict that man before a jury, but he is frequently taken in the attempt; he was tried for a Moulsey burglary, his companion was hung and he was acquitted; but I know there is not a more desperate character in England than that man. Now, by the law of this country, you cannot get rid of that man.

521. What is the conduct of that man when in the House of Correction?—In the first instance he was rather turbulent; but as soon as he found that we were determined to master him, and that he would receive punishment, he was more tractable; there are others I could point out, men of the most hardened character, who are seldom convicted before a court, but who are continually convicted by magistrates for wandering about with the intention to commit burglary.

522. Are those the persons to whom your observations refer, persons taken up under the suspicion of being reputed thieves, and convicted of vagrancy to that extent, but not convicted of robbery?—I should say that the magistrate ought to be very careful how he commits a man, unless he is guilty of some act of dishonesty; but when he has been committed three times for some act of dishonesty, or an attempt at some act of dishonesty, that man should go out of society. At present such a man may be indicted as an incorrigible rogue, and he may be sentenced to one year's imprisonment, and any number of whippings that the court may direct. The reason why I recommend this is, because I see every day the lamentable effects of the active exertions that they make out of doors; they are continually corrupting young lads, and bringing them into prison, and then, from the association in prison, they become confirmed thieves; if you go into the history of those men out of doors, it is very lamentable; those men frequent the worst sort of public-houses, they all of them keep their women, and even the young boys keep girls, and it is a system of profligacy from beginning to end.

523. What is your opinion with regard to the seven years' transportation, and the sentences to the hulks?—I never made an inquiry as to the particular confinement on board the hulks; when they speak of transportation, they use the word transportation generally.

524. Have you a great number of persons come to you who have been from three to four years on board the hulks?—No; the greater number committed to our prison are reputed thieves.

525. Have you had an opportunity of estimating the weight of punishment of transportation in those different periods?—No; we have, occasionally, men in our prison who have been transported; I have two or three at the present moment, and it tends to confirm my view of the case, that when those men are embarked in this course of life they are seldom reclaimed from it.

526. Why are the washerwomen and scourers in your prison allowed beer?—Because the labour is considered excessive, and we found they fell ill.

527. Might not the same purpose have been answered by diminishing their labour and giving them a smaller quantity of scouring and washing?—We have been so confined for room, that we have been only able to put a certain number of persons to do that work, and therefore the washing for the whole prison has been done by about twelve women.

528. Do you think any inconvenience or injury to the discipline arises from breaking through the general rule of the prison, prohibiting the introduction of spirituous liquor for a special purpose, such as you describe?—No; on the contrary, I think it is good, because you have the means of holding out a reward to those who conduct themselves properly; a limited number.

529. Do you mean to say that a limited number have that indulgence?—Only the men as scourers, and the women as washerwomen.

530. Does good behaviour itself procure the indulgence of spirits or beer?—Decidedly not.

531. What

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531. What is the good behaviour you allude to, for which a reward is held out?—Orderly conduct, quietness, refraining from bad language, and observing, in general, orderly and decent behaviour which we approve of.

532. Is there any difficulty in obtaining that good behaviour by the ordinary prison discipline, without holding out the inducement of beer or spirits?—There is; we are obliged to enforce it by punishment; those people are so depraved that they can never speak but in the most revolting and obscene language.

533. Are you able, by the indulgence of beer or spirituous liquors, to obtain an abstinence from the obscene language to which you allude?—I do not believe that would induce them to forego their language; but it enables us to reward those who observe some decency.

534. You give them the beer as a support for increased labour?—Yes.

535. And their good conduct induces you to select them for those situations?—Yes; it is not by my own power that I do it; but it is done by the visiting magistrates. To illustrate what I have said, I will mention a recent case: There is a boy, of the name of George Mason, who has been frequently at the prison, but always convicted by magistrates at the police offices; we have had him in the prison, not in consequence of a conviction at the Old Bailey, or before the Court of Quarter Sessions, but because he has been convicted by the magistrates as a rogue and a vagabond, frequenting places for a dishonest purpose. The last time he made this observation to me, that "he should frequently be committed as long as this Act of Parliament was in force." I said, "You know pretty well that the officers are in the right;" he laughed and said, "Yes, yes! they are not far off," which shows that he acknowledged himself to be a thief and pickpocket, therefore there would be no injustice in transporting him. I likewise beg to say, that under the present management of prisons, I conceive the means we have of coercing refractory women are very inadequate; it certainly is a delicate subject, but some of those women are so desperately violent and so shockingly depraved, that we require at times some more effectual punishment. There is a punishment I could suggest, which is one that inflicts no physical suffering whatever, and is very severely felt; it is adopted in some of the county prisons; but it has been declared, when it was discussed at our sessions, illegal, and the lord chief justice has refused to confirm it; that of cutting off the hair. I would not do it except in the case of refractory prisoners, and I am sure if we had the power of doing that, it would be very useful; sometimes the female turnkeys are obliged to take the male turnkeys round to remove them by absolute force, and their language is most shocking. There is likewise a class of female prisoners whom we do not know what to do with; women who have imbibed that habit of drinking, that when they are discharged from prison in the morning, they are back again in the evening; they wring their hands in their sober senses, and regret their long confinement in prison; but it is useless to attempt, by punishment, to restrain them.

536. Would not transportation be a very fit punishment for them?—Decidedly so, if you can send them where spirituous liquors do not exist; otherwise they would be a curse to any country.

537. Do you think the increase of spirituous liquors, in consequence of the lowness of the duty, has tended to produce an increase of crime?—No doubt it has, generally speaking; drunkenness is the great source of crime.

538. Do you find that drunkenness is a prevailing vice with a great majority of the persons sent to prison?—Yes; and profligate manners.

539. Do you think that the late Beer Act has tended to the increase of crime?—I have not had an opportunity of judging of that.

540. You stated that they are occasionally allowed to see their friends; would it not add to the severity of their punishment if they knew that upon no occasion they would be allowed to see them?—It would add to their punishment.

541. Does it rest with yourself or the visiting magistrates to enforce the non-admission of friends?—I require the order of a visiting magistrate.

542. Do they frequently bring orders?—Frequently; there is one particular day of the month for each class to visit prisoners; but every prisoner can be seen upon the party bringing an order from a magistrate; but it is not very easy to procure those orders, except upon the regular visiting days; but upon the regular visiting days they are given, as a matter of course, upon application. On the regular visiting days a vast number of the persons that come to visit the male prisoners are prostitutes, and the magistrates do not know who they are, they apply to see their brother or their father or their mother, and it seems hard to refuse them.

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543. Would not it be desirable if the power of granting those orders were confined to the visiting magistrates?—Certainly it would; I understand, from the history of the prison, that many years ago a great public outcry was raised against the prison, on account of the prisoners not being permitted to have intercourse with their friends.

544. Are there many instances of prisoners not dreading transportation?—Not many; we had an instance, on receiving the prisoners after the last Old Bailey sessions, of a man, sentenced to imprisonment for one month, endeavouring to be transported for seven years, by exchanging with a man who was sentenced to be transported; they exchanged clothes, the man who was sentenced to be transported answered to the name of the man that was to be imprisoned; but he had hardly come in our prison before it was discovered at Newgate, and the other man was brought down, and this man was taken back again to Newgate. I questioned this man as to his motive for wishing to be transported, and his answer was this, that he had not been in prison before for nine years, that he had endeavoured to support himself by labour as a bricklayer, that his work had altogether failed him, and that he wished to have a chance in another country which he had not in this.

545. Do you think the class of persons sentenced to transportation in London have correspondence with persons in New South Wales?—I always endeavoured to impress upon them that transportation over the seas is absolute slavery; but they seemed to listen to the statements with that sort of distrust, that I think they do not believe it to be the case.

Thomas G. B. Estcourt, Esquire, a Member of the Committee, Examined.

T. G. B. Estcourt, Esq. M. P.

546. WHAT county are you a magistrate of?—I am a magistrate of the counties of Gloucester and Wilts, and chairman of the quarter-sessions in Wiltshire.

547. Have you acted as visiting magistrate in Wiltshire?—Repeatedly.

548. What is your opinion of the effect of the present system of prison discipline, by which prisoners are sentenced to hard labour on the tread-wheel, and are allowed to associate together in the day-room and during the hours of labour, and are also frequently put two or three in a cell at night?—I think that the present system of prison discipline in the improved prisons, unless accompanied with very scanty food, sufficient only to preserve health, and unless there is a perfect separation of the prisoners at all periods, except when they are on the tread-wheel, is a less degree of punishment than the old and disgraceful prisons, in which they were permitted to associate, and from which, when they were released, they were so degraded as to become objects of general disgust and aversion. The effect of that I think was much more to deter persons from committing offences than imprisonment in the present prisons, where cleanliness and morality is particularly attended to; but if the modern system of imprisonment is coupled with seclusion, scanty food and hard work, I think it far preferable, and that it may tend to a good end, since it does not contaminate, as formerly, the prisoner, whilst it operates, though in a diminished degree, to deter others from committing offences; but unless that is carried to a considerable extent, I consider the state of a prisoner infinitely preferable to that of, I am sorry to say, a large proportion of the peasantry at the present time in the southern and south-western districts of this country. To illustrate what I state with regard to that, I would wish the Committee to picture to themselves the state of two children in any of the large manufacturing towns in the south-western parts of this kingdom, one of whom, at the commencement of winter, shall have been committed to a house of correction for a petty theft, and the other shall have been left at large, to be maintained at the expense of his family. In the one instance the child has been no cost to his parents for maintenance, he will have passed the winter well clothed, well fed, with considerable advantages of instruction, and if his conduct has been good in prison, and it can hardly be otherwise, he will probably have excited the commiseration of some of those philanthropic persons, when released from prison, who not unfrequently give to such delinquents the advantages to which their supposed reclaimed characters may be considered as having entitled them to; whereas the other, who comparatively is an honest child, inasmuch as he has not been detected in the commission of any offence, has passed the winter, a charge upon his parents, in a dirty discreditable ragged state, badly fed, without instruction, and without reputation that he was in at the time that the other was committed to prison; and then I would ask the Committee whether, comparing the state of the one child with the other, a boon is not held out to not very virtuous but very poor persons,

persons, rather to encourage than discourage their children in the commission of petty thefts.

549. Have you, in your practice as a magistrate, seen frequent instances of the practical working of that system, in the manner you have just described?—I have seen repeated instances within the time of my practice as a magistrate, which has now been considerably above a quarter of a century.

550. Do you think that a child, under such circumstances, is in reality at all improved as to his moral condition, or is he not likely, on the contrary, by communication with other offenders, to be contaminated rather than improved?—I think there is very little chance of a child of that description being in the slightest degree improved in prison; for though he has received instruction in morality and in religion, he has unfortunately increased his knowledge of the vices of the world, and he has obtained much skill in the misapplication of his more matured intelligence.

551. Are there many instances of juvenile offenders being committed to prison?—Very many instances; I am now talking of a country prison.

552. Do you think that the present system, from its want of severity, is not calculated to deter, and from the want of a separation of the prisoners, not likely to improve?—I do.

553. Do you think that any discretionary power might be given to magistrates in petty sessions summarily to punish juvenile offenders, either by sentencing them to short periods of solitary confinement, or by the infliction of corporeal punishments, which might tend to repress crime without the danger of contaminating the prisoners by associating with bad characters?—I think the advantageous result that is contemplated by the question might be realized, but I own that I am so jealous of ancient institutions, that I should require a much better arrangement of enactments for the carrying such a project into execution than any that I have ever yet seen suggested for that purpose.

554. Do you not think that if the power which should be given of summarily punishing were confined to punishments of no very great severity, for instance, not exceeding a fortnight or three weeks solitary confinement in a light cell, there would be any great objection to giving the magistrate the power of so summarily punishing, supposing the party to be convicted before not less than three magistrates?—If that was adopted, I do not think the precaution necessary; for I apprehend that the punishment, even abstractedly speaking, would not be by any means a severe punishment, and if it became very frequent with young and thoughtless persons, and those who have not the cares of a family upon them to render separation a loss, and thereby to aggravate the inconvenience, I apprehend it would become actually no punishment at all.

555. Do you think corporeal punishment might be applied to offences committed by boys?—I think it is the most wholesome punishment that can be applied to juvenile offenders.

556. Would you allow that to be applied at the discretion of three magistrates at the petty sessions?—I am not prepared to say under what precautions I would permit that to be applied, but of course under some very strict precaution; I would prefer corporeal punishment, because I know it is that which not only juvenile offenders, but even young men, are more afraid of than any other, from the actual corporeal sufferings that they endure; but I think the great advantage arises from this, that after the infliction of the punishment the discharge of the person might follow, without his entering the walls of a prison, for my experience has convinced me that, however well regulated a prison may be, there is no person that enters the walls of a prison that is not materially deteriorated by his imprisonment.

557. In order to give that effect to the punishment of whipping, so as to combine the infliction of punishment with the avoiding of contamination, would it not be necessary to give a summary power to the magistrates?—Certainly; but that is the very difficulty that presses upon my mind when I feel disposed to recommend the infliction of that punishment by magistrates. I am convinced that if it was left to be inflicted at the option of one, two or three magistrates, there is much precaution necessary, inasmuch as the dispositions of the individual magistrates, as well as the whole of mankind, vary so much, that one cannot entirely rely upon the exercise of a just discretion, and on that account it is that I have been inclined to listen with much favour to various proposals that have been made of giving to the magistrates the benefit of a jury, instead of allowing them to inflict the punishment upon a summary process only.

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558. If you were to allow magistrates the power of calling a jury every time they met at petty sessions, would not that be attended with immense inconvenience and expense to the county?---I think a great expense and inconvenience; but, notwithstanding that, I am still doubtful whether the power to inflict corporeal punishment can be trusted to any body of men, without some such precaution as a jury.

559. If instead of corporeal punishment you were to give to the magistrates, under the circumstances supposed, the power of sentencing to solitary confinement, complete seclusion, the prisoner never quitting his cell, except for a short period, and such exercise only as would be required for the health, for a period not exceeding one month, would that have the effect of deterring juvenile offenders from the recommission of offences?—I do not think it would; it would have more effect than committing them to a prison in which they would associate with many other prisoners, but to prevent a repetition of the offence, I apprehend the effect of it would be but trifling.

560. Do not you think that the sense of shame is much weakened by the infliction of corporeal punishment, particularly in boys of a certain age?—I do not think it operates in the slightest degree, either one way or the other; for which reason I am a decided enemy to the infliction of corporeal punishment publicly. I would have private whipping in all cases.

561. You have stated that you consider a prison as by no means a place of punishment for juvenile offenders, are you not of opinion that the same remark applies to a prison, with respect to adult offenders, that when a prisoner is sent to gaol, with the punishments which are now enforced in gaol, and the food which he receives, he, in point of fact, considers it very little punishment at all?—I do not think imprisonment, either in the one case or in the other, as by no means a punishment; but I consider it in both instances as an inadequate punishment; and I consider it to be a much less adequate punishment in the case of juvenile offenders than in that of adults.

562. For instance, in the case of an agricultural labourer, who has committed some trifling offence, and is sentenced to hard labour for three or four months, that man is less worked and better fed, and better clothed in prison than he would have been if he had remained at large, and not accused of any offence?—Certainly; during the late winter, persons in prison in the early part of the winter, I know, considered that they were placed in an advantageous situation, as compared with many of the same class of society who were at large. With reference to work, I do not consider the hard labour as any material addition to the weight of the punishment; on the contrary, I believe that if imprisonment was altogether to be divested of labour, and that during the hours that agricultural labourers are now employed on the tread-wheel they were confined in separate cells, the weight of the punishment would be greater than it is when they are for a certain number of hours in the day employed on the tread-wheel. With regard to the pressure of the labour, I beg to state to the Committee what was conveyed to me by an individual who had been confined for a length of time, and was subject, during the whole of that time, to hard labour on the tread-wheel. Upon my inquiring of him what was the degree of labour that he suffered, as compared with the degree of labour that he endured when at large, he stated to me that the labour on the tread-wheel was less severe than task-work, but more severe than day labour. With respect to the labour in prison, before and since the establishment of the tread-wheel in the house of correction for Wiltshire, it has frequently occurred to me, when I have been visiting magistrate, that prisoners who have been confined in solitude have requested to be employed in the labour that was then prevailing in the prison in preference to being continued in solitude without any labour at all, and that has occurred as frequently since the introduction of the tread-wheel as when prisoners were employed upon a variety of trades, and what one might naturally suppose a more agreeable sort of employment than the employment on the tread-wheel.

563. Does the result of your experience lead you to conclude that solitary confinement, with no more exercise than is barely sufficient for the preservation of health, is a severer punishment than labour at the wheel, with seclusion during the hours that the prisoner is not at labour?—I think it is.

564. You have stated that in the house of correction in Wiltshire, when the prisoners are not at labour they are confined in their cells; in point of fact, as far as the rules of the prison will allow, do you inflict solitary confinement?—Certainly.

565. But notwithstanding that your opinion is, that completely solitary confinement would be much more efficient, and much more dreaded as a punishment than the

mixture of solitary punishment and hard labour which is practised in that prison?—I think decidedly so; and I wish to state that within these twelve months we have converted all those rooms which were called day-rooms, and in which prisoners committed for petty offences were allowed, during the hours of relaxation from labour, to associate, into cells, in order that no prisoners may be permitted to associate at any time when they are off the wheel; and when on the wheel they are strictly, and I believe effectually prohibited from talking.

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566. How many hours a day are they at labour?—I am not able to speak with accuracy upon that point; but I beg leave to refer the Committee to the gaol returns.

567. During meals are they in the cells, or do they take their meals together?—They are each confined in a separate cell.

568. How are they confined before conviction?—Before conviction they are confined in other prisons specially appropriated to the reception of prisoners before trial; there they congregate.

569. Are not the families of transported convicts a heavy tax upon country parishes, and do not the children almost invariably turn out ill?—My experience does not enable me to give any information with regard to the effect upon the children of delinquents that have been transported. Assuredly the expense to the parish in the maintenance of any family, the father of which is, by being removed from the parish, unable to provide for its support, is a considerable charge; but if it is referred to as a general charge upon the country, I think the number of such instances are so trifling, as compared with the whole burden of the poor, that it is a matter scarcely worth consideration.

570. Do not convicts returning from transportation do much mischief in the agricultural districts?—If by returning from transportation is meant returning from the hulks, I think the mischief is almost incalculable; but the instances of returning from New South Wales are so few, that I am not able to appreciate the injury, or otherwise, that may be produced by such persons; but the impression upon my mind is, that as few sentences of transportation are carried into effect for a period less than fourteen years, if a convict does return, the conduct of that convict may be expected to be of an improved character, because, as convicts are not brought back to this country at the expense of the public, the probability is, that if they do come back to this country, it is under the influence of feelings that are rather creditable to them than otherwise; but I think the instances are very few indeed; speaking now of country and agricultural parishes, I do not know above one instance in all my experience, and that man certainly is a reclaimed and well-behaved man.

571. Is transportation generally dreaded by agricultural labourers?—I think it is, provided it is actual transportation to New South Wales; but if it is committal to the hulks, I believe that it carries with it no terror whatever, but, on the contrary, is frequently accepted as a boon at the time the sentence is passed.

572. Are those labourers at all aware of the situation of convicts in New South Wales?—I think they are pretty well informed upon the subject; because I find very frequent communications between prisoners that are actually resident in New South Wales, and their relations and friends in country parishes.

573. Do not you think that they have communication to the effect that convicts, after being a very short time in New South Wales, frequently acquire enough money to pay the expense of carrying out their relations, and that those communications have tended very much to remove that dread that formerly existed against transportation?—I do not think that it has; I think that a separation from their native country carries with it a considerable degree of dread, and I am strengthened in this apprehension by information which I have lately received from the keepers of some of the prisons in the county of Wilts, in which they have stated to me, that since it has been the practice of myself and my brother magistrates at the quarter-sessions to transport more freely, and to make more frequent applications to the Secretary of State for the actual transportation of offenders, that the culprits of the county of Wilts have manifested a greater degree of apprehension of conviction than they formerly did, and to that the keepers of the prisons did attribute, in the course of last year, a very considerable diminution in the number of committals.

574. Do not you think that the families of persons who have been transported in consequence of the special commission are likely to spread an idea that convicts are better off in New South Wales than agricultural labourers in this country, in consequence of communication with relations who have been transported?—I do not entertain any expectation of that sort; I am quite satisfied that the peasantry of this country are now well informed as to that particular; the dread that transporta-

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tion carries with it is the entire separation of the culprit from his former associates, relations and friends.

575. In answering that question, are you aware that those convicts, when they get to New South Wales, will be immediately assigned to settlers engaged in agriculture, that they will be put to labour probably lighter than what they had been used to in this country, that they will be well fed and well clothed, that they will receive 10 *l.* a year wages, and if they behave well for one or two years, they will be entitled to have their families sent out to them at the public expense?—I was perfectly aware that a convict in New South Wales was placed in a very favourable situation, and I have known instances of convicts, during the time of their servitude, making such large sums of money as have enabled them to set up in trades as soon as they became released from that bondage; but I did not expect that the description of prisoners referred to in the question would be placed in circumstances so very favourable as those described.

Martis, 21° *die Julii*, 1831.

John Henry Capper, Esq. called in; and Examined.

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576. I BELIEVE you are the Superintendent of the Convict Establishment?—Yes.

577. How many different establishments are there of convicts in this country?—There are 10 vessels at present employed in England, and four at Bermudas.

578. Where are the vessels stationed that are employed in England?—Two at Woolwich, one at Deptford, two at Chatham, one at Sheerness, three at Portsmouth, and one at Devonport.

579. What are the number of convicts confined on board these vessels?—The number of convicts on Monday last, was 3,897.

580. Have you got the distribution of them?—Yes.

581. Will you be good enough to state it?—The Leviathan, 498; York, 445; the Hardy, 86, at Portsmouth; Captivity, at Devonport, 522.

382. What is the total number of convicts at Portsmouth?—One thousand and twenty-nine.

583. Is 522 the whole at Devonport?—Yes; the Retribution, Sheerness, 421.

584. Is that all at Sheerness?—Yes; the Cumberland, at Chatham, 750; and the Euryalus, which is a ship exclusively appropriated for boys under 16 years of age, containing 323.

585. Are the boys an addition to the 3,897?—No; they form part of the total number of convicts. There are 750 in one vessel at Chatham, and in another for boys under 16 years of age, 323. The Justitia, at Woolwich, contains 380, and the Ganymede, at Woolwich, 347.

586. What is the total at Woolwich?—Seven hundred and twenty-seven.

587. Are the boys on board the Hulks kept separate from the men?—Yes, under the age of 16 they are; the Discovery, at Deptford, contains 125 adults.

588. That is the total?—Yes.

589. In what manner are the different ships presided over and watched?—There is an overseer, and mates according to the size of the hulk, and also civil guards.

590. To each ship?—Yes; there is a surgeon attached to them. At some places the surgeon has the duty of two ships for the purpose of not incurring any extra expense, and a chaplain also, at each station.

591. Of what description of persons are the superintendents?—Men that have been trained in the service.

592. Not old retired officers?—No, they would not be quite adapted for the due security of young felons. There are several men who have been in the navy and army in the convict service, but then they are effective young men.

593. Who has the superintendence of the convicts at the stations of Portsmouth and Deptford?—The overseers have.

594. Do you frequently visit the stations?—Yes, I must by law go four times a year, but I go more frequently than that, and not at any stated times.

595. Do

595. Do you think that persons of the description you have mentioned are competent to have such an important charge entrusted to them?—From their experience I do.

596. Do you not think that you might probably have persons of a superior description, such as retired lieutenants?—I have found that they have not answered my purpose so well as persons trained to the service.

597. Have the Commissioners of the Dock-yards any control over the convicts?—Only over the labour on shore.

598. But the management on board the vessels themselves is exclusively confined to the overseers you have mentioned?—Yes.

599. It is however the duty of the Commissioners to report any improper things that may occur?—Although it is not their duty, they would do so.

600. Do the Commissioners ever visit the vessels?—Yes, they frequently go on board.

601. Are there any infirm and aged persons incapable of working on board these ships?—Throughout the whole of the ships, at the present moment, there are between 600 and 700 men wholly unfit for transportation, and who are rendered incapable of efficient labour from loss of limbs, blindness, and old age.

602. Do you not think it would be expedient to class these persons separately?—It would be extremely difficult to bring them to one station; my reason for thinking so is this: at the respective stations where there are some of these old men, they are occasionally employed, but if you bring 600 or 700 together, I could not find any occupation for that number; they are separated now by divisions in most of the hospital ships, where I can find occupation for some of them in mending clothing, &c. After having accommodated the counties with the removal of these men to the nearest station, it would be an amazing expense to bring them from Devonport to Woolwich, suppose the station to be there, or *vice versâ* from Woolwich to Devonport. The best mode we can adopt is, to give them employment, such as mending clothing, and in the Ordnance department, the works being less laborious than the Navy.

603. Will you give a statement of the employment of these men from the morning until the night, and the manner in which they are managed?—I will beg to refer to a statement I delivered in in 1828, which is printed in the Report of that year; it is nearly similar to the course pursued at the present day; it is rather long, but it goes into the whole detail: "At gun-fire, that is, a quarter before six A. M., all hands are called: at six o'clock prisoners lash up their hammocks, and there being then but one watch on duty, an additional one is called previous to the release from the cells of such prisoners as do duty on board: at a quarter past six, breakfast is served down under the inspection of the officer of the morning watch. The hours for sending prisoners on shore to labour depend on the time when dock-yard workmen resume their employment: they are mustered out of the ship in gangs, and received on shore by the officers, quartermasters and guards; the latter (under the inspection of the former) strictly searching their persons, to prevent the concealment of any thing tending to facilitate an escape, or contrary to the rules and orders of the ship."

604. What do they do between the time when they turn out and daylight, in winter?—They are kept on board, having their breakfast and washing themselves.

605. It must be half past seven, or eight, before you take them out to work?—It is about half past seven; there is a great deal to do in looking at their irons and examining their clothing, which is all done on board, together with washing their persons before they proceed to work: "At half past seven A. M. those prisoners appointed to do ship's duty proceed, under the direction of an officer (stationed on board for the purpose) to clean the ship fore and aft, which is ready for inspection by half past nine. A part of the officer's duty is also to muster, and lock into a cell appropriated to that use, prisoners complaining unwell, where they are visited by the surgeon and his assistant; and should the cases require it, they are admitted into hospital. This measure of confining them prevents their straying into other parts of the ship, or committing depredations on the properties of their fellow-prisoners, should any feel so disposed. On the return of the prisoners from labour, which commences about a quarter before 12 A. M., the same precautionary measures of searching their persons previous to entering the ship (to prevent their bringing on board any property belonging to the dock-yard) are resorted to, and the whole are generally on board and mustered into their respective cells by a quarter past twelve, when two watches are set, each consisting of an officer, quartermaster and

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five guards, the greater part of which, with the two officers, are stationed between decks;" that is when they are down taking their dinners. "At half past twelve dinner is served down, and a quarter before one the aforesaid watches are relieved by two, who remain on duty till half past one, when the prisoners are again ordered up, and after going through the same examination of irons and persons as in the morning, they proceed to labour about a quarter before two. When all hands have returned on board, such new prisoners as may have been received within the last month are called and made to pass athwart the quarter-deck in presence of the officers and guards with their hats off, whereby their features, walk and person become familiar, in case of attempting disguise to effect an escape. This portion of duty ended, an officer is stationed at the hatchway forward to overlook the quartermasters, who muster down the whole, each man carrying his hammock; two officers with a guard on each deck receive them below, and see that every prisoner retires in an orderly manner to his cell;" that is, when they are coming on board in the afternoon, they go down directly they are mustered.

606. At what time do they come on board in the afternoon?—At half-past five, and at six they are mustered in their cells. "At a quarter past six supper is served down, and at a quarter before seven (Saturday evenings excepted) the prisoners who attend school are summoned from their respective divisions into the chapel by the officer on watch, where they are received by a quartermaster and guard. At a quarter before eight o'clock, an officer and his watch being stationed in the body of the chapel, the remainder of the prisoners are collected to hear evening prayers read, which ended, the whole are mustered and locked up in their respective cells for the night. The watches are five in number, each being every fifth night absent in its turn, the duty devolves upon the remaining four, unless in cases of emergency. The Occurrence Book kept in the office contains a detailed account of the proceedings of each day, commencing with the total number victualled, distinguishing those on hospital diet, the numbers on shore and on ships' duty, the names of the officers and prisoners termed inspectors, who attend the receipt and issue of provisions, the attendance of the chaplain and surgeon, the absence of officers or guards, and from what cause arising; the receipt, death, or discharge of the prisoners; their offences and punishments; the number of prisoners at school, and in short any incidental transactions that may occur, the whole concluding with the names of the several officers who attend the evening prayers; an abstract of such weekly proceedings is sent to the superintendent in London every Sunday. Attached to this book is kept a small one, wherein, for a more distinct view, the offences and punishments of prisoners are registered; the Character Book, containing every prisoner's name and age, forms a register of their conduct each past quarter, under the different denominations of very good, good, indifferent, suspicious, bad, and very bad; the prisoners are divided under four divisions, and placed under the immediate inspection of the following officers: first division, or top deck, second mate; second ditto, or middle deck, third mate; third ditto, or starboard side lower deck, boatswain; fourth ditto, or larboard side lower deck, carpenter." It is always supposed, when the prisoners are on board, that there is an officer on each part of the deck, and two on each deck where the passages are, who are responsible for what may occur.

607. Do they sleep there?—They are on duty, and relieved every third hour.

608. They are on watch all night?—Yes, with lamps burning.

609. To prevent any disturbance on board?—We very rarely hear a word after eight o'clock; they are tired and want to go to sleep, but I do not compliment them so as to say that such would be the case if they were left to themselves. "It is the duty of these officers to enforce good order, cleanliness, and a strict adherence to the rules of the ship; to issue new and cause the old clothing to be repaired; to keep a slop book as a check on the great one in the office, and at the end of each quarter, make a return to the overseer of the quantity of slops received from the steward and issued by them to the prisoners under their care."

610. You stated that there were a great number of infirm men?—Yes.

611. Might not these infirm men be employed to do the duty of watchmen in the day, instead of able-bodied men, who might be better employed in ordinary work?—The number is very few that we keep in the ship for that purpose.

612. What is the number?—Some of these old men are sad offenders, who have been in gaol half a dozen times, many at the age of 70 years, could not be placed in any situation of trust in the hulk.

613. Is it not a relaxation being left on board to watch?—The men who are kept on

on board for the day, washermen, cooks and others, are employed in washing the decks, which fully occupies their time throughout the day.

614. How many hours of actual labour do they perform in winter and summer?—It is supposed to be about 10 hours, but I doubt whether it is so much; it is about nine hours and a half, taking actual labour.

615. That is two hours and a half out of the 12 for relaxation?—Yes. On going on shore morning and afternoon, there is a good deal of ceremony in the inspecting of the irons and clothing, previous to their being divided into gangs for labour.

616. Is that equal to the amount of what we call daily labour?—I do not think it is quite.

617. Is it equal to the labour of the free labourers of any dock-yard?—Decidedly so.

618. Equally severe?—I think so; more so, in many cases.

619. What makes you think it is more so?—Because they give the convicts severe work; they have discontinued the use of teams of horses, and the prisoners now carry and drag the timber to and fro. Till lately, there were 20 or 30 teams of horses employed, and the whole of the labour performed by them is now done by the prisoners.

620. When they are so employed do they not have beer?—That was formerly allowed, but it has lately been abolished, except in extraordinary cases; for instance, where it is required to unload a cargo of coals to be embarked immediately on board steamers, the men work extra hours, and the Commissioners of the Navy give them half a pint of beer and a biscuit beyond the ordinary food of the day.

621. They are not allowed beer ordinarily?—Yes, small beer.

622. They are allowed small beer?—Yes.

623. But they have porter on these occasions?—When so employed on extra labour.

624. At the time they have beer granted them, have the free labourers beer?—No, I should say not.

625. Then in point of fact, are not they, in that respect, better off than the free labourers?—The free labourers receive pay.

626. Did any circumstance occur that pointed out the necessity of giving them an allowance of beer?—The fact is, the men could not get through their work without some moderate allowance of beer; I do not think the men could execute the work without it; but it should be understood that these allowances are very limited.

627. Was any medical report made, stating that it was necessary, to enable the men to get through their labour, that they should have an extra quantity of beer?—I have had reports from the surgeons over and over again, that if the prisoners employed in very laborious work were not supported in some way, they could not execute their tasks of labour.

628. Did any of these reports state specifically that an extra quantity of beer or spirituous liquors was required of any sort or kind?—Certainly not.

629. Has any medical man, since that was granted, made such an examination of the prisoners as to say that an extra half-pint of beer is sufficient to support them under the pressure of the heavy labour?—Their attention has not been drawn to that particular point.

630. Are free labourers employed on the same heavy work as convicts?—Not at present.

631. Do they work together?—They do not.

632. You do not know much about the labour?—Yes, I do; I have a report of the Navy Board to the Secretary of State on the subject of the employment of convicts at Sheerness, which gives the detail of it.

633. Is it long?—It is.—[*The Witness delivered it in.*]

634. Do the Committee understand you to say that convicts are never worked with free labourers?—They are not, except on the occurrence of accidental circumstances, such as the launching of a ship, or any great work; it is a principle not to do so, but I have no hesitation in saying that the principal officers in the dock-yards have from time to time not only expressed their satisfaction at the demeanour of the men, but assured me that they would rather have convicts than free labourers, because they can work them as they think fit; they do their work with greater readiness.

635. In the event of a convict being refractory, what is the punishment?—Either

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to be punished by moderate whipping, locked in a solitary cell, or abridged of the allowances made to him.

636. Who has the discretion of inflicting the punishment?—It is with the overseers for the time being, but must be done in the presence of the surgeon, and the overseer reports the facts to the superintendent; but whipping is of rare occurrence among the adults.

637. In uncertain and showery weather what do you do with them?—The great majority of them have sheds under which they can work. There used to be a notion that they did not work on wet days.

638. You can find work for them under cover?—Yes; there are various coverings in the dock-yards under which they work.

639. They are not sent back to their ships in consequence of its raining?—Not when they are once out; they may shelter for half an hour, or draw up as other men would, but not for a long time. Some of these men are employed in the Medway, and Portsmouth Harbour, under the master attendants, removing chain moorings, when they cannot turn in, and occasionally painting ships sides in all weathers. They are also employed in mud-work, cleaning the river Medway and other places of mud.

640. Are they as much as possible employed in the most irksome and disagreeable work?—Decidedly so.

641. Do you happen to know, when bad weather prevails, and these men withdraw from their work, what becomes of the free labourers in the yard?—The free labourers are in the same situation.

642. Of course, they are not paid?—It is so temporary, that I should say in general they are. They do not withdraw from their work except in very stormy and heavy weather.

643. You stated that sometimes, by way of punishment, their allowance was stopped; what is the allowance?—There are two classes of convicts; the Navy Board allow 3*d.* per diem to the first class of labourers, and 1½*d.* to the other. One penny per diem is allowed them at the end of the week, which is 6*d.*, and to the other class 3*d.* The remaining portion is reserved, and given to them as a premium when they are liberated from confinement.

644. Are the convicts allowed to spend the 6*d.* and 3*d.* which they receive weekly in any manner they think proper?—No; only in potatoes, white bread and vegetables.

645. Are they not allowed to purchase liquor and tobacco?—They may purchase tobacco with their allowance; the surgeons pressed upon me the necessity of allowing them to have tobacco, which they consider beneficial in fumigating the ship. When the men are on shore, if they were restricted as to tobacco, the sailors would give it them in the yards; and it was thought better to grant the permission, particularly as the surgeons stated it would be beneficial to the ships.

646. Are they allowed to purchase tea and sugar?—They have no means; they may occasionally sugar.

647. It appears, from a statement made as to the management of the hulks some years ago, that the prisoners were at that time allowed to purchase various articles of luxury, and received them from their friends; is that the case at present?—No; it has been abolished for some length of time.

648. It has been entirely abolished?—Yes. If a parcel comes with provisions of any sort, it is sent back; they are allowed only those trifling things which the 6*d.* and 3*d.* per week will admit of their purchasing.

649. The men who are sent on board the hulks, for what period of time are they sentenced to transportation?—For life, fourteen and seven years.

650. Do you mean to state they confine a man on board the hulks for 14 years?—He would be sent abroad; but they are all removed to the hulks in the first instance.

651. But as to those that remain, are not they men who have been transported for seven years?—Generally speaking, they are. There are some cases where men are peculiarly circumstanced, that has induced the Secretary of State to order them to be detained in the country; but those instances are very few. The rule is, that all those for life, for fourteen years, and the incorrigible seven years convicts, are sent out of the country for transportation.

652. Are the men in general, if they are tolerably well behaved, kept to work out their whole sentence?—No, there is a selection, which the Instructions I shall hand in will point out, that two out of every hundred who have served more than four years, supposing their sentence to be seven, are selected, and recommended by the

overseers, jointly with the chaplain, quarterly; which selection is sent to me to inquire into their cases, previously to my laying them before the Secretary of State: they are selected for pardon, provided there is no fault against them during the four years; but in many cases it may not admit of a prisoner's being selected until they have served five out of the seven, owing to the numbers who have served more than four years. *John Henry Capper, Esq.* 21 July 1831.

653. Is that indulgence limited to two out of a hundred?—Yes.

654. Are there no special cases?—Frequently.

655. Where a person has been well behaved, he receives his pardon?—Only in that proportion: they must be uniformly well-behaved men, to be selected for pardon on the ground of good behaviour. In some ships the men would serve five years, in others it is only four and a half, depending very much on the numerical strength.

656. Do you mean to say that indulgence is confined to two out of a hundred, or that occasionally there is an addition, and others receive that indulgence?—No others, excepting in solitary cases such as I have mentioned, where the Crown has thought fit to pardon men.

657. How are these recommendations forwarded to the Secretary of State?—They are selected by the overseer and the chaplain, who is ready to make oath he has done it with the best motives.

658. It is so strict as that, is it?—Yes; the recommendation of two out of a hundred is from the chaplain jointly with the overseer, who are ready to make oath to the fact.

659. In point of fact, the overseer does not select any himself?—Only jointly with the chaplain; they each have a book of offences, and they compare notes. The prisoners who are in fault have their offences committed to book, and are acquainted of them every quarter.

660. If they have committed any offence they are not recommended?—Certainly not.

661. Are the individuals thus pardoned frequently sent back?—I have been endeavouring, for the last five years, to make a sort of calculation from the best information I could get. It is a rule, whenever a person comes on board a ship, and it is known to be under a second sentence of transportation, it is notified to the ship in which he was originally confined. The total amount of men that have returned, as near as I can say, is about 15 per cent.

662. Have you any reason to suppose that the other 85 are actually reformed —It would be rather a bold assertion in me to say I suppose so. Most of the men that I refer to as being pardoned are generally married men, who have arrived at that time of life when there is some hope, from their having wives and families; but as far as I can ascertain as regards the hulks, I should say that the number of prisoners who are convicted a second time is about 15 per cent; with those that get into prison, and who do not return to the hulks, it may probably amount together to 20 per cent.

663. Have you endeavoured to trace their lives after they left you?—I have no means; and it would be so laborious an undertaking, that I never ventured the attempt.

664. When you say that choice men only are recommended, do you know whether it at all enters into the consideration of those who do recommend, that the party has been in the hulks before?—They are never recommended; a man that comes a second time is sure, under any circumstances, to be sent out of the country, if his health permits.

665. Are you able to state any case in which you know of your own knowledge that a person has been reformed who has been discharged?—No, I have not; I cannot venture to express an opinion.

666. Would it be possible, by any record kept in the hulks or elsewhere, to ascertain that any of these men so pardoned have become good subjects and reformed characters?—I cannot venture to say that; I know the chaplains have frequently mentioned to me that they have met men who were formerly convicts, appearing in very decent circumstances.

667. Is there any merit, except good conduct of the prisoners on board the ship, that induces or is made a condition precedent to the recommendation of the chaplain and overseer to procure a pardon?—They confine themselves entirely to the conduct of the men on board the ship. When the names are brought before me, I scrutinize the nature of their offence, and see what their former characters have been, previous to their cases being submitted to the Secretary of State. I know

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some of the men are very cunning, and many of the best behaved men in the ship are at times the greatest rogues.

668. Are the convicts allowed to keep shops on board the hulks?—That has been abolished some time since.

669. What do they do on a Sunday?—There is service and prayers twice a day; they are mustered, and their clothing and bedding particularly examined; and they are allowed to be on deck for a given period.

670. Are any prayers read on other days?—Yes; there are prayers almost every evening.

671. What do you mean by almost every evening?—There is one evening in the week when it is relaxed on account of cleaning, and that is on a Saturday.

672. Are there any Roman Catholics?—Yes, a few.

673. Is there any Roman Catholic service?—No; you will observe there is a particular clause in the Instructions, that if any man who is a Roman Catholic wishes for the assistance of his clergyman, he is to apply to the chaplain.

674. Are prayers read by the clergyman every evening?—No; by a civil guard, or a selected prisoner.

675. That is not the case on the Sunday?—No.

676. Have you got a copy of your annual report here?—Yes, I have.

677. You spoke of the rules and orders of the ship; by whom are the rules and orders drawn up?—By the Secretary of State.

678. Have you observed personally, or has any report been made to you, that since the duties were taken off spirits, so that they have become cheaper, there has been any difference in the constitution of the convicts as to their capacity for labour?—Yes, decidedly. I am not prepared exactly with my reasons, but I have not the least doubt that the number of men absolutely worn out is greater of late, in comparison with the numbers, than formerly; the majority of the men are worn out either from distress or other circumstances; I think that their stamina is not so good as formerly.

679. Are you aware that the total expense of the convict establishment in England, from the 1st July 1830 to the 1st January 1831, is upwards of 30,000*l.*?—Yes.

680. Does that include the salaries of the superintendence, and other expenses?—It includes every thing. In the year 1830, from the 1st January to the 31st December, the average number of convicts was 4,142; the total expenditure as to England, was 85,499*l.* 14*s.* 10*d.*; the amount of the convicts earnings, 58,267*l.* 4*s.* 11*d.*; net expense to the public, 27,232*l.* 9*s.* 11*d.*; the expense of the establishment, 22,290*l.* 19*s.* 2*d.*

681. Is that in addition?—No, that forms a part of the total; the amount of repairs of the hulks, which was a very heavy one last year (in consequence of there being a new hulk completely fitted), 17,326*l.*; the actual expense for food, clothing and necessaries, 45,881*l.* 19*s.* 8*d.*; gross expense per man, 20*l.* 12*s.* 10*d.*; net expense per man, deducting the earnings, 6*l.* 11*s.* 5*d.*

682. Do you observe that in this estimate the number of days labour is 154, at 1*s.* 9*d.* a day?—Yes.

683. But you are supposing every artificer in full employ during the whole time?—It is an average estimate as to value of daily labour, but they work throughout the whole number of days, as stated in the estimate.

684. Do you think that the actual labour performed is worth the money at which you charge it?—I will read you an extract from a letter to the Navy-office, in July 1829, "The total amount earned by the convicts in the several yards in the year 1828, was 9,092*l.* 13*s.*, the value of labour performed by the convicts amounted to 67,577*l.*"

685. We presume that the Navy Board have also their estimate of these accounts?—The estimate of the last year would give them some trouble, but I have no doubt that it is greater than mine.

686. You stated the gross expense of each man to be 20*l.*, in what way have you calculated the whole expense of the establishment?—The whole expense, amounting to 85,000*l.* I have subdivided by the number of convicts, and in that is included every expense, besides medical attendance.

687. Does the estimate of labour you have given in include the labour of the boys also?—It includes the charge for the boys; they are merely employed in making clothing for the establishment, but there is no profit by their work, the expense is equal to what I could contract for clothing at; it is occupation, and is productive of good in teaching them the trades of tailors and shoemakers.

688. The

688. The average cost of each convict would be less, if you excluded the boys?—Decidedly; although we do not diet them quite so expensively as the others, still there is the establishment of officers, and the wear and tear of the ship. *John Henry Capper, Esq.* 21 July 1831.

689. Have you a statement of the manner in which the boys are managed?—Yes, I have.

690. How long has there been a separate public institution for the boys?—About seven years.

691. What instruction do the boys receive?—There is a person specially employed for that duty, assisted by an adult convict.

692. What are they taught?—Merely reading and writing; nothing else.

693. No trade or habit of industry?—The boys are learnt trades; you will see that in detail in the report.

694. Then do you mean that adults are taught reading and writing?—It is entirely confined to reading.

695. Give us the statement as to the boys?—[*The Witness read as follows:*]—"A Report of the daily proceedings for one week on board the Euryalus, convict hulk, at Chatham, appropriated exclusively for the confinement of boys. Monday, at half-past five in the morning, all hands called, ports opened, hammocks lowered and rolled up, boys washed and hammocks got on deck and stowed; at six o'clock boys sent into chapel, the morning hymn sung, and a prayer read by the schoolmaster, the officers and guards being present. After the prayers, breakfast is served under the inspection of the first mate and officers, consisting of one-half of the daily allowance of oatmeal boiled, and one-third of the daily allowance of bread; after breakfast the boys confined in one deck are sent on the main deck for air and exercise, those on the other decks, after the mess-tables, kids, &c. are cleared away, are set to their respective trades. At half-past six, beef generally received for the day's consumption, inspected by the overseer and officers and weighed by the steward, under the inspection of the first mate; at seven, main and quarter decks washed and chapel cleaned; at nine, the boys progress at work, and ship generally inspected by the overseer and first mate; boilers, kids, &c. cleaned and inspected; at half-past nine, the surgeon generally attends, one division of the boys got on deck, their hammocks, bedding and clothes examined, hair trimmed and persons washed in a cistern of salt water; day's supply of bread received about eleven o'clock and inspected, weighed by the steward under the inspection of the first mate; at half-past eleven boys leave their work, clean their wards, wash themselves, dinner served, consisting of one-third of the daily allowance of bread, seven ounces of meat, 12 ounces of potatoes and about one pint of soup; at twelve, the boys belonging to one deck sent to school in the chapel to learn reading, writing, catechism and hymns, and those belonging to another deck are sent to the main deck for air and exercise; mess-tables cleaned and stowed away, wards swept; at half-past one, boys sent from school, &c. to work; at half-past two, clothes, bedding, &c. examined as in the morning; at five, boys leave work, sweep the wards, wash themselves and their supper is served to them, consisting of one-third of the daily allowance of bread and one-half of the daily allowance of oatmeal, boiled; at half-past five, the boys of one deck sent to school and those of another sent on the main deck for air and exercise, and hammocks sent below; at half-past seven, the school over; previous to the boys being dismissed they sing their evening hymn, and prayer is read by the schoolmaster." I have, of late, found it expedient to have a special person for the purpose of schoolmaster over the boys, who is a free man, and he does the duty of reading prayers at the times when the chaplain does not perform that duty.

696. Is that only in one instance?—Only in one instance. "Boys mustered into their respective wards and secured for the night; at half-past eight, the watch set. Each succeeding day is the same, with the exception of Saturday, when one-third of the allowance of bread and three ounces of cheese only are served for dinner, and the day is devoted to general washing and cleaning of the ship, packing and sending to store the articles made by the boys during the week. No school is held at noon, but in the evening, all the boys are sent into chapel, and those boys who committed hymns to memory read them, which closes with the evening hymn and prayer, as on the other nights; at seven, boys mustered into their wards, clean shirts, handkerchiefs, &c. served to them and secured for the night. Sunday morning commences as on other days. At eight o'clock boys let on deck by divisions and inspected; at a quarter before eleven they are sent into the chapel, at which time the chaplain attends and reads a part of the morning service, and delivers an extempo-

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raneous discourse, which generally occupies from 50 minutes to one hour; dinner served when the service is over, under the superintendence of the officers; after dinner the boys of one deck sent on the main deck for air; at half past two sent below, and the boys at each ward assembled at their tables to hear the Scriptures read by boys selected for that purpose; at half past three another division of the boys sent on deck for air; at five supper service; at six all hands sent to chapel, evening service read by the schoolmaster, and the boys catechised; at eight mustered and secured for the night, and watch set.—*N. B.* During the winter months, when there is not sufficient light in the mornings to get the boys on deck for air and exercise, they are sent from the chapel at the close of morning prayer to their trades, and breakfast is served at eight o'clock; in the afternoon they are kept at work at half past five, when supper is served, after which school commences; the boys are under constant inspection while at meals, work, on deck, and in the chapel. A watch is kept between decks during the night; a blessing is asked before and thanks returned after each meal; the galley and cooking department is under the constant superintendence of a guard, who makes a careful division of the provisions."

697. To what discipline are the boys subjected in case of misbehaviour?—Locked up in solitary cells, or whipped with a birch.

698. Is the whipping with the birch very frequent?—Not so frequent as you would suppose; we have not found it answer so well as locking up.

699. They feel that more?—I think they do.

700. Have they the means of conversing with their fellows when they are locked up?—Certainly not.

701. Is it a dark cell?—It is not quite in darkness; we have a solitary dark cell for any one very incorrigible.

702. You think solitary confinement a more efficient punishment for boys than whipping?—Yes, I do.

703. Have you some very young boys?—It is quite melancholy to see some of them; they can barely put on their clothes.

704. What age is the youngest?—Nine years old, and deemed to be incorrigible. There are some from Manchester and that neighbourhood, almost obliged to be dressed by others.

705. You give them animal food every day; is that necessary?—I think it would not do without; it is every day except Saturday.

706. Are you not aware that the children of agricultural labourers scarcely ever taste animal food?—I am quite sure they could not do without a moderate supply; what they are allowed is very trifling.

707. What is the expense per week of the boys?—The victualling of an adult convict costs 5 ½ *d.* per day, including fuel and lights; a convict boy 3 ¾ *d.* or 4 *d.*

708. Could you not victual a boy for half-a-crown a-week?—Yes, I could do it well for that at the dearest price of meat.

709. Has any instance occurred to you by which the discipline of boys could be improved?—I think not.

710. Have you any means of separating the innocent from the more hardened offender?—Decidedly so; the ship is classed into 20 divisions.

711. Do the boys of the different divisions have intercourse with each other?—When they come on deck for air and exercise; but generally not; they are always under inspection.

712. Are they, when on deck, allowed to play at any games?—There are no games allowed.

713. Do the boys receive any allowance?—None whatever; nor do their friends send them anything.

714. Nor on their discharge?—Nothing but clothing, and paying the charge for conveying them home. I am quite convinced that the wisest course for boys, as they grow up, is to send them abroad.

715. You think they are perfectly incorrigible?—Two thirds of them are either natural children, or discarded so completely that there is no place to send them to.

716. Have you any copies of your instructions?—I hold them in my hand.

717. Have the goodness to give them in?—[*The Witness delivered them in.*]—One relates to the English establishment, and the other to the one at Bermudas.

718. Are any of these boys pardoned at any time?—There are a few instances; there are two going home now.

719. What circumstance induced the Secretary of State to pardon these two boys?—Exemplary

—Exemplary conduct in five years out of seven; the boys have been well-behaved, and have attended to their religious duties. *John Henry Capper, Esq.*

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720. At whose recommendation was this?—That of the chaplain.

721. Do you find a larger proportion of boys return to you than men, after they have been discharged?—That has been somewhat put a stop to by sending them abroad.

722. What proportion do the juvenile female convicts bear to the male?—Hardly any proportion.

723. There are few juvenile female convicts?—There have been 151 women and 2,530 men transported in the present year to New South Wales and Van Diemen's Land.

724. Were all of them adults?—Among the number were several boys above 16 years of age.

725. Can you state what is the average expense of sending a convict to New South Wales?—For the male convict it is about 25*l.* 15*s.*

726. The females are something less?—No, rather more. It appears by Sir Byam Martin's statement, from which I am reading, that it is 27*l.* 12*s.* for females. For Van Diemen's Land it is something less, very little; males 25*l.* 6*s.*, females 29*l.* 1*s.*; that must arise from something extra.

727. Are there not frequent instances of returned convicts being found at large in this country?—Yes.

728. In very great number, are they not?—They seem to increase considerably, from the best information I can obtain.

729. Have you known some come back in a very short time from their leaving this country?—Yes, several.

730. In how short a space of time?—In two years, and there was one taken up within these few days who had not been gone more than a year and a half.

731. Do you suppose that to proceed from their disliking it extremely when they get there?—I apprehend from their vicious habits before they went, and an anxiety to return to them.

732. By what means do they accomplish that?—Concealment in the holds of ships.

733. With the connivance of the captain, of course?—I have much doubt of that, from all that I have heard from the captains. The seamen will feed them for a month in a secure place in the hold till they are out to sea, and then the captain cannot put back.

734. If he is an honest man he will deliver them up?—Supposing he stops at Rio to deliver them up, the instant he gets there, they escape. There was a case of a man being on board a ship in the river last week, and when the ship got to Greenhithe he got away in the night in a boat; no doubt by the connivance of the crew.

735. Is there a strict inspection of ships before they leave New South Wales?—It is said so, but I very much doubt whether that is the case.

736. Would the captain, on discovering a man of this description concealed on board, have the power of putting him in confinement?—Yes.

737. In the case you mentioned at Rio, if the captain had put that man in confinement, he could not have escaped?—I presume he would not. There have been three or four convicts that have of late gone as far as Rio in ships from New South Wales and Van Diemen's Land, and then escaped.

738. Is the proportion of convicts that have returned home of late years greater than it used to be?—I think it is.

739. Do any executions ever take place for returning from transportation?—I never knew one.

740. What is generally done?—They are capitally convicted, sentence of death recorded, and then they are transported for life.

741. So that if a man is transported for life, and escapes and comes back, the same sentence is passed on him again?—That is all.

742. In point of fact, they are so little satisfied with their new situation, that they leave the colony with the view of bettering their condition?—I think they leave the colony under such circumstances.

743. Have you any means of ascertaining whether the convicts consider it a more severe punishment to be transported to New South Wales, or to be confined on board the hulks?—I should say they consider it more severe to be confined at the hulks.

744. Do they ever escape from the hulks?—Yes.

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745. How would it answer to extend the period of confinement on board the hulks from seven to fourteen years?—It might be accomplished, certainly.

746. Are there not instances of some men having been transported as often as three times?—Yes. There was a man arrived the other day, a notorious pickpocket, well known at every place in town as a gentleman pickpocket; he was sent out once, and cost 25*l.*, and now he has come back, he is in the same situation as he was before.

747. What is the average number of deaths on board the hulks in a year?—I think about three per cent.

748. Are you prepared to express any opinion, from your own observation, as to which is the preferable mode of punishment, transportation to New South Wales, or confinement on board the hulks?—I should say, that upon the average, they dread confinement at the hulks more than transportation to New South Wales. It operates in two ways. There are certain men, artizans, all anxious to get to New South Wales, because they hear (which is very true), that after their daily labour is over, they can earn five or six shillings a day; they are naturally anxious to get over, with the hope of success. A London thief would rather remain here, on the speculation of obtaining his liberty, in order to get into crime; a married man with a wife and family would rather stay here, enduring all the fatigues and dread of punishment, that he may have his wife and family near him, and with the hope of returning to them hereafter. Some notorious offenders say it is only a voyage of pleasure for a year, and will run the risk of getting back directly. Taking the whole bearings of the case into consideration, I should say that it is a greater punishment on board the hulks than in transportation.

749. Have you not seen letters from convicts in New South Wales, describing their situation as infinitely improved to what it was in this country?—Yes, living luxuriously after a very short period.

750. Then why do they escape?—The London thief, whom I have alluded to, is looked at by the Governor with suspicion, and his general habits are anything but industrious, which is decidedly against his success in Australia.

751. The opinion which you have stated has been founded on the calculation of seven years confinement at the hulks; if that period was extended to fourteen, do you not think your argument would be still stronger on the nature of the punishment on board the hulks?—That is a subject that requires some consideration. As far as seven years, I should say that it would; but as to fourteen, I have rather a doubt of the expediency of so long a period of confinement on board the hulks.

752. Do you imagine that a period of confinement on board the hulks short of 14 years, would be a punishment equally severe with the 14 years transportation?—I should say yes, if not below 10 years.

753. Do you think that a period of 10 years would be more dreaded than 14 in New South Wales?—I do.

754. Is there any difference of feeling in convicts as to transportation to Bermudas or New South Wales?—I rather think they are more anxious to go to New South Wales than Bermudas; at the latter place they have been kept nearly the full period of their sentence, which they think very hard.

755. When any man escapes from New South Wales, is there any account sent home by the government?—There has been lately; but I do not think one half of them are notified, from the impossibility of their tracing many men who are employed distant from the principal settlements; in all these cases we advertize them in the Hue and Cry.

756. Has it ever occurred that a man has been retaken by an advertisement in the Hue and Cry, without having committed some subsequent offence?—Yes, frequently.

757. In that case it is necessary to try him a second time?—It is necessary, except in a solitary case. There was one lately of one of the men concerned in the affair of the Cyprus; when he was taken, he being a life transport, it was deemed better to ship him back to be tried for the offence there.

758. You said you thought that married men very much dreaded transportation to New South Wales; do you not think that in that case the punishment consists in the separation from his family, and that if he was sure his family would be allowed to follow him, he would be glad to go?—To be sure he would, decidedly.

759. Is it not at present found necessary to send his wife and family there at the public expense?—Yes, it is.

760. Is that ever done unless the man is able to support them in the colony?—No;

—No; we receive assurance from the Governor that the convict is a fit subject for the indulgence, and competent to take care of his wife and family.

761. As a reward for his good conduct?—Yes.

762. Is there any rule as to the number of years the convict has resided in New South Wales before he sends for his family?—I think the Government fix three years.

763. When the family is afterwards sent out, what is the expense to the country for such transmission?—I think it costs something like the sum which I mentioned before (as to the expense of female convicts,) and the children half price.

764. Are there in fact many families sent over at the public expense?—No, the numbers are few from this country, but as to Ireland it is not so; there are two to one applications for the Irish wives to follow, that there are for the English; and it is a remarkable fact, that not one third of the English women will go, while the Irish almost invariably accept the indulgence.

765. In the event of persons being sent to the hulks instead of to New South Wales, do you not think it would be necessary to have a more respectable class of individuals as superintendents at the out-stations?—It was proposed at one period of time to have an assistant at each of the stations, and there is no difficulty except the expense.

766. Is he not more likely to enforce a strict discipline than the superintendent?—I very much doubt that; the intermediate officer between superintendent and overseer, would make the establishment more complete; at the same time, personally, I do not object to it.

767. Supposing the Commissioners in the dock-yards were required to make frequent inspections?—There I agree with you as the course most likely to be beneficial; the Commissioner at Bermuda has an appointment under the transportation laws to act as assistant superintendent.

768. Could you furnish an account of the average yearly expense of sending out families for the last few years?—I have not the means, but it could be obtained from the Navy-office.

769. Are they sent as a matter of course, on application?—Yes; on certificate from the Governor, we write to the wife or the parish, and ascertain her sentiments whether she is disposed to go.

770. Are the convicts on their embarkation or arrival in New South Wales, apprized, that as a reward for good conduct and industry, their families may be allowed to come out to them on having the Governor's certificate?—Yes, certainly they are.

771. I believe the convicts sleep in hammocks?—Yes, each man separately.

772. Is there any division between the different hammocks?—No, they are in cells of 12 or 16.

773. Do you think it would be impossible to put up screens between each hammock, so that no man could speak to his neighbour?—I do; for in a ship it would impede the free current of air.

774. Are they allowed to converse after they are sent to bed?—After they are gone to bed, at eight o'clock, all is as quiet as possible, if they talk they are stopped.

775. On the whole, do they consider it a very irksome punishment?—They do.

776. Do you think that the system on board the hulks tends to reform?—I cannot venture to say that it does.

777. What advantage should you consider to arise from allowing the overseers to recommend these persons for pardon?—I think something of that sort must be done, to lead to a hope of pardon, and maintaining subordination in the ship.

778. Has any circumstance arisen that you can state to the Committee, which induces you to come to that conclusion?—I do not know any point exactly, but it has been always considered necessary to carrying on the works, and keeping the discipline of the ship in better order.

779. Is there anything to your knowledge, distinguishing imprisonment on board the hulks from the Penitentiary at Millbank, which renders it more necessary to give this privilege to the hulks than the Penitentiary?—Certainly not, the extent of pardons in the Penitentiary is more in proportion.

780. That is not the case in county prisons?—No, but then prisoners are only confined for short periods.

781. Are there many persons on board the hulks who complete the whole period of their sentence?—There have been several incorrigible offenders, but not to any great extent.

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782. Do you find that any evil accrues to these persons from the long seven years imprisonment?—No, I do not, as I have an ulterior check. If they do not behave well I stop all their reserved money for their labour.

783. Would not that be sufficient to keep up subordination without the pardon?—I should doubt it very much.

784. Has it ever been tried in any shape?—We have relaxed for a time, for the space of a quarter or half year, we have not recommended if there has been any very bad conduct in any particular ship.

785. What was the result of that?—Nothing injurious resulted from it, except exertions to get into good graces; this is a gratuitous act on the part of the Crown to encourage them to behave well.

786. You have described some of the services performed by the convicts as being extremely irksome and laborious; would such labour be obtained from free labourers at the same expense?—No, the free men would charge five or six shillings a day for some work performed by convicts.

Lunæ, 25° die Julii, 1831.

James Walker, Esq., called in; and Examined.

James Walker, Esq.

25 July 1831.

787. HAVE you been lately in New South Wales?—I have just returned from thence.

788. In what capacity were you?—A farmer and wool grower.

789. Were you also a magistrate in the colony?—Yes.

790. Were you the whole of that time in New South Wales?—Yes.

791. How long have you resided there?—Eight years.

792. Where have you resided?—At a place called Wallerowang, in the district of Bathurst, about 90 miles from Sydney; 30 miles short of Bathurst Plains.

793. Had you a large farm?—I received the usual quantity of land that was distributed when I arrived in the colony, which was 2,000 acres, and subsequently 560 more.

794. How much of that did you cultivate?—About 100 acres.

795. Had you many convict labourers?—During the whole time I have been there I have had from about 25 to 35.

796. Had you reason to be satisfied with them, generally speaking?—Perfectly satisfied.

797. You found them good servants?—I did, as far as under their circumstances I could expect.

798. Had those men been long in the colony before they were sent to you?—Some had been in the colony before I arrived, and some I received at various periods during the time of my being there, on their being landed from the ship.

799. What description of men were they?—A mixture; some country agriculturists, and some London thieves.

800. Which did you find most easily managed?—I cannot take upon myself to say that I could draw a line of distinction; we could not have managed either without discipline; the means we had of making them behave themselves were quite ample.

801. Were they all English?—No, a proportion of Irish and Scotch.

802. What was the discipline to which they were subject in case of misconduct?—Either corporeally punished, or sent to an iron gang; but from the circumstance of my farm being 35 miles distance from Bathurst, I was under the necessity upon various occasions of overlooking acts of delinquency, which I would not have overlooked otherwise; the place of redress was at Bathurst, where there is an establishment for punishing men; and in consequence of the distance, I was frequently disposed not to make a complaint.

803. Then in short there was considerable difficulty in punishing them?—Only considerable in my particular case, arising from my distance from the police magistrate of the district.

804. Is there any summary mode of proceeding?—Very summary; the master takes the convict before the nearest magistrate, before whom he prefers his charge on oath. The magistrate has a discretionary power of ordering corporeal punishment,

ment to the extent of 50 lashes; or, if under aggravated circumstances, to send him to an iron gang for a period. The proceedings are taken down in writing. A magistrate cannot punish his own convict servant.

805. Were all the settlers in the outskirts exposed to the same inconvenience as yourself, and obliged to overlook many acts of delinquency?—More or less they were.

806. What is the nature of those acts?—All those delinquencies that arise from theft in the first instance; but chiefly to the farmer in the neglect of his work; idleness, &c.; but more serious crimes, very seldom.

807. Were the instances of theft chiefly pilfering, or were there any cases of actual violence?—Very few; pilfering frequent; actual violence not frequent.

808. Was that because there was very little for them to lay their hands upon?—No, there is not a great disposition to steal from the master; if there was anything stolen it was in little thefts of provisions and slops amongst themselves.

809. Is there any facility of getting rid of valuable property?—There is too great a facility for it; they find an opportunity of concealing it till they can convey it away.

810. Do you think there was anything like reformation in those men?—Yes, I think they were all made better men than they were when they left this country, and more particularly since General Darling has introduced a number of salutary measures of restraint.

811. Had you any free labourers with you?—Yes, I had.

812. How many?—They varied, probably from three to five or six sometimes.

813. Had you any bailiff or overseer?—I had a bailiff that I took out with me from Scotland, and who now remains in charge of my property there.

814. Did you find the free labourers as easy to manage as the convicts?—Not nearly.

815. Were they as idle as the convicts?—More so; unless I generally gave them their work by piece, and then they would exert themselves to get payment.

816. Would you as soon have a convict as a free labourer?—Much sooner.

817. Did you feel any apprehension from being so out-numbered by the convicts?—Not the smallest.

818. Did any of the convicts ever run away?—Various of them have run away from me.

819. And joined the bush-rangers?—Yes.

820. And not come back again?—Not come back again till they are caught; but they are always caught, unless the individual remains in concealment, passing himself off as a free man.

821. What is the punishment when they catch them?—If under circumstances of aggravation, transportation, for a limited period, to a penal settlement. A few weeks before I left the colony, I was out in pursuit of a very formidable gang, and they were hanged; they had been guilty of murder, and other outrages.

822. What is the punishment for the mere act of running away and joining the bush-rangers?—Fifty or a hundred lashes, if no act of robbery has been charged.

823. Did you ever take those convicts to Bathurst to be punished?—Frequently.

824. Did they always submit to go?—Always, without the least compulsion.

825. What remedy had you against the free labourers for misconduct?—Civil action only.

826. Have the convicts any access to spirituous liquors?—None with me.

827. What is the course pursued with respect to the treatment of a convict from the time of his landing, and also when he is in service with the settler?—When the convicts are landed, a certain number of them are retained in the service of Government, those that are left are disposed of among the settlers; they are sent up from Sydney with a full allowance of slops, blanket, &c.; but they very seldom arrive on the farm with those things, in consequence of their being stolen on the road, or I believe more frequently made away with by themselves; the farmer or master of the convicts engages to give the men two suits of clothing a year, and the usual ration, which, when I left, was eight pounds of beef and ten pounds of flour per week, with a quart of milk per day; formerly we used to give tea and sugar, but now we give milk, and an ounce of tobacco per week.

828. Do they bake their own bread?—Yes.

829. What sort of bedding have they?—A blanket and bed; they very soon get rid of the latter, for which they substitute a few sheep skins.

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830. How are they lodged?—We build huts, in the part of the country I am in, of turf, and thatch them; in other parts they are of split logs.

831. What are the hours of labour?—From sunrise till sunset; they have an hour allowed for breakfast, and an hour and half for dinner; sunrise in the colony is upon the average probably about half-past six every morning all the year round.

832. What is the time of the sun setting?—The average period is about half-past six all the year round.

833. Is it severer than the labour of common labourers in this country, or of free labourers there?—It is the same as the free labourers there; a free labourer will work harder, because he has a greater inducement.

834. Do you give them any pay, or any allowance for themselves beyond their food?—No, nothing.

835. Are they confined to their huts during the night?—In my situation, they have very little inducement to go out of their huts, because I have no neighbour within nine miles, but we take no coercive measures to lock them up, it would be impossible.

836. Are you in the outer verge of the colony?—No, I have a station where I run my cattle upon the outer verge, but my own residence is a good way inside.

837. Do you ever hear of the agricultural labourers expressing themselves as well satisfied with their situation?—I would say they all express themselves as considering they are placed under circumstances of great hardship; it is more the restraint however that they complain of than any actual hardship, but the restraint they are very impatient under.

838. In your opinion do the convicts, well fed, clothed and lodged, as you describe them to be, consider themselves better off than they were as agricultural labourers in this country?—I cannot express myself with certainty upon that subject, but I know they all consider their situation as a very irksome one, and they look forward to their period of liberty, or ticket for leave, with great anxiety.

839. Have they any amusement after the period of labour is over for the day?—I cannot say any particular amusement.

840. Have they any drinking?—No.

841. Is any attention paid to Sundays?—When they are within reach of a church, and sometimes I have service on my own farm.

842. Have they a holiday on Sunday?—Yes; they do no work, except the shepherds, and people who are with the stock; they usually wash their clothes.

843. Do you ever diminish their rations by way of punishment?—I have frequently stopped the tobacco, and the tea and sugar, when we gave them tea and sugar, but the circumstances of the colony render it now more expedient to give them milk.

844. Is there any place of worship near you?—There is none nearer than Bathurst, 35 miles.

845. Have any of those convicts got families?—Only one in my employment had his wife on the spot; many have left families in England.

846. Does he still continue in your employment?—No; his wife and five children having been granted a free passage from Ireland by the bounty of Government, in consequence of his good behaviour, I recommended him, at the end of 12 months after her arrival, to his Excellency the Governor, who assigned him to his wife (the customary mode in such cases), with permission to employ himself in a certain district, during his Excellency's pleasure, for the maintenance of his family.

847. Under what circumstances are tickets of leave usually granted?—A certain period of good behaviour, regulated by a Government order, the principle of which is, that a faithful service in the employment of one master, for a certain number of years, in proportion to the original sentence, entitles the convict to be recommended for this indulgence; but if they have been with two or more masters their period of probationary service is longer.

848. Does he then become a free labourer in that district?—He does.

849. And receives pay for his labour?—Undoubtedly.

850. Are many of the free labourers you have spoken of persons who were originally convicts?—Almost all.

851. Have you any experience of persons who have gone out as free labourers from this country?—Yes, several.

852. Did they conduct themselves with propriety when they got there?—Several broke

broke their engagements, tempted by higher wages than they had originally agreed for.

853. Had you ever any of them in your employ?—I have three; one I took out with myself, and who, in my absence, has charge of my concerns at present; the other two are also still in my employment.

854. What countrymen were they?—Two Scotchmen and one Englishman.

855. Do many persons go out as free labourers from this country?—There do; a good many.

856. From what part of the kingdom principally?—Those that have come under my immediate knowledge have been chiefly Scotchmen.

857. Are the instances frequent where convicts whose period of transportation has expired, remain permanently in the colony?—A great many remain, very few come away.

858. Is that from necessity or choice?—Both.

859. Do not they receive very high wages as free labourers?—Compared with the wages here; if he is a mechanic, he would get in the interior from 5 *s.* to 7 *s.* a-day, but he would not receive all that in money, he must take it in supplies of various kinds, upon which a large profit is charged. In Sydney, they get from 5 *s.* to 7 *s.* a-day in money.

860. What portion is paid in money, and what in property in the country?—I would say, generally, two thirds in property and one third in money.

861. Have you a discretionary power of fixing your own prices upon the commodities you furnish?—Yes; but the man of course takes care that he shall not be charged above the usual price in the district.

862. What does a free agricultural labourer receive?—I would say from 15 *l.* to 20 *l.* a year; 20 *l.* most generally when I left; besides that, he always gets his ration of flour and beef; but this 20 *l.* a year would be diminished by the slops, tobacco, sugar and tea that might be supplied him.

863. Has he any milk?—Yes; if he gets milk he would be charged for it, unless a specific agreement is made beforehand, and the necessity for labour is so great, that sometimes it is offered to induce him to engage.

864. What proportion does the 20 *l.* a year in that country bear to an equal sum in this country, with reference to the general prices of things?—About one third, in the manner in which he spends it, because those people spend it all in drinking and slop clothing, which is charged very high.

865. Does a man never think of laying by a little money there?—Very rarely.

866. But all articles of clothing, and such luxuries as a man would indulge in, are about three times the price they are here?—They are, particularly at a distance from Sydney.

867. What is the nearest market in your district?—Sydney; which is about 90 miles.

868. Can a free labourer obtain supplies of slops and other things at Bathurst?—Yes, he could; but he would pay very high for them there.

869. How can he spend his money in dissipation?—He will go up once or twice a year to Bathurst; or, perhaps, he would go down to Sydney for a week.

870. What is the consequence of violating the conditions of one of the tickets of leave?—He would be deprived of it.

871. Does a free labourer, in possession of a ticket of leave, show himself at any stated periods to the governor?—Not to the governor, but to the police magistrate of the district; he is obliged to muster himself every month.

872. Are there not many persons of large property there, who were originally convicts?—There are several.

873. Are you aware of the description of letters which those convicts sent home, describing the happiness of their situation, and inviting their friends to come out?—I have heard of it, but I never saw any of them.

874. Did you ever hear that they had actually urged those friends to commit some offence, that they might get transported?—I have heard of it.

875. Do you believe, in point of fact, that it is so?—I believe it might have happened.

876. Do you believe it to be a fact of ordinary occurrence?—No; I do not believe they write many letters; I do not believe, since I have been in the colony, I have sent away above a dozen letters from the people on my farm; they may have sent them away clandestinely.

877. How does the circumstance of their writing letters of that description agree

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with your statement that they consider themselves to be in a state of very irksome restraint?—They feel the restraint very much of being prisoners, because they see that the free labourers can make themselves so very comfortable, and they are anxious to enjoy the same liberty, and receive similar wages.

878. Were the persons who have acquired wealth persons that had money when they went there?—No; the prisoners that I referred to, who have got large estates, had not anything when they went there, as far as I know.

879. Are not some of them acting as magistrates?—Not since Mr. Bigge's report.

880. Are they not called emancipatists?—Yes.

881. Have you observed, when the convicts arrived there, whether they come in a cheerful state of mind, or in a moping discontented humour?—I would say, cheerful enough; I never saw any marks of dejection about them.

882. Do you consider the situation and condition of the convicts in the colony to be so comfortable, that it operates as a temptation to commit crime?—There may have been instances of this, but I think it is not very common; I do not know how they feel upon that subject. Since I have been in the colony it has undergone a very great change; their situation is now more restrained, and they have greater difficulty in acquiring the liberties they are desirous of having, since General Darling came.

883. Were you there before General Darling came out?—Yes.

884. What was the system then?—It was a modification of Governor Macquarrie's system; that is to say, great indulgence was procured by prisoners recommended to him, but it has been becoming more strict of late.

885. You were understood to say, that when the convicts deserted, and took to bush-ranging, they were always apprehended?—Always.

886. Is there no permanent body of bush-rangers living in the country?—None, that I am aware of.

887. Are your servants generally educated persons, or very illiterate?—I have had very few educated, above being able to read.

888. Are the majority of your servants able to read?—No, I think not; probably more than half cannot read or write.

889. Have you any schools?—Not upon my farm; they are all grown-up men.

890. Have you any adult schools?—No.

891. Upon the whole, do you think that transportation, as at present conducted, is an object of terror to delinquents generally?—Not sufficiently so, nor so much as it might be made.

892. What alteration would you suggest?—I would follow up the measures that General Darling has been putting in operation during the last two or three years, by taking a more perfect cognizance of the situation of the prisoners throughout, and ascertaining more clearly, before men receive tickets of leave, that they really merited that indulgence, and preventing that influx into Sydney which formerly gave every opportunity for an individual who had a turn for trading to become wealthy; there are individuals in Sydney who have tickets of leave that have become rich by dealing.

893. Would it be desirable to add to that, when a convict first comes out, a period of hard labour, before he was allotted to a farm?—It would have a good effect, by making the individual feel that he had received an indulgence in being afterwards assigned to a settler.

894. Do you think it would be a beneficial regulation to make the convict, upon his first landing, join the road gang for a certain time?—Yes, I think it would; there are two species of road gangs, one works in irons, the others are without; when sentenced to iron gangs as a punishment, after they have served their period in that gang, they are then transferred to the road gang, where they work without chains for six months, after which they are distributed amongst the settlers.

895. For what cause are they put into those gangs?—They are put there for all serious offences committed in the country, a punishment deemed of a lesser order than a penal settlement.

896. They are never put there immediately upon their arrival?—No, subsequently, when, if they commit crime, they may be sent by a bench of magistrates.

897. Supposing it were part of the system that men should go through a sort of probation, that every prisoner transported there should be sentenced to a certain period of labour in those road gangs, do you think it would have the effect of inspiring terror in their minds in this country?—Yes, I think it would.

898. And

898. And might have a salutary effect in the prevention of crime?—I think it would.

899. Are you aware of any objection to the application of convicts in that way?—None; the Government would find it necessary to employ more military for the purpose of guarding them, if the gangs were increased to a great amount.

900. Are the troops fully occupied at present?—Yes.

901. Do you apprehend that in instances of very aggravated offences, it would be desirable for the judge or the Secretary of State to send out a note to the colony, for the prisoner upon his arrival to be sent to the iron gang, notwithstanding he may have conducted himself well during the voyage?—Certainly.

902. Would it not be a good general rule, that all the prisoners going out should be sent to the road gangs, unless they brought a certificate with them, exempting them from it?—It would add greatly to the punishment.

903. Is the labour of the road gang much more severe than the labour of the convicts on the farms?—They are much more severely overlooked.

904. After the day labour, what is done with them?—They are placed in the huts, which are in a very isolated situation.

905. Are they kept entirely separate from the rest of the population?—They are.

906. Is there any difference in their food and clothing?—Yes; they get no milk or tobacco, and they get a proportion of maize meal instead of flour.

907. How does the climate affect the labourers; is the sun very powerful in that country, so that it requires great exertion to stand it?—It certainly has an influence upon Englishmen that go out there; that is to say, they do not possess so much energy for hard work as they had at home, but nothing that makes it necessary to relax labour entirely; for instance, I am not aware that there is upon any farm any cessation at noon upon that account, except for dinner.

908. What is the usual term for which a man is sentenced to work on the iron gang?—From three months to two or three years.

909. Do you conceive that they feel it very severely, and that they come out from the road gang better labourers than they were before?—My own opinion is, that the periods are made too long, and not severe enough.

910. Is there a great dread of being sentenced to the road gang among the convicts?—Yes, they do not like it.

911. What medical attendants have your labourers?—At Bathurst there is an assistant surgeon stationed; when any of my labourers are sick I send them up there; but the instances of serious sickness are rare.

912. Upon the whole, you find the climate salubrious?—Yes.

913. Do you think that any considerable degree of reformation takes place among the parties residing with you, at a distance from Bathurst and Sydney?—It is difficult to say; the colony has a curious effect upon the most practised thieves in this country; one of the most experienced thieves in London has something to learn when he comes out there, probably he would be robbed the first night he came into his hut.

914. What is the usual practice with respect to female convicts who are landed?—They are distributed to the families who apply for them, as domestic servants.

915. If you had no supply of convict labourers in that colony, would the settlers there be induced to pay the expense of free labourers being sent out to them from this country?—They would make every exertion to pay a portion.

916. Suppose, for instance, the parish paid half, would they be disposed to pay the other half?—I can only say for myself, I would make every exertion, because it would be necessary for the salvation of my property; we are at present greatly distressed from not having a sufficient supply of labour.

917. Would there be any disinclination on the part of settlers to take convicts after they had been appropriated to the road gangs?—Not at all; there is no vice on the part of a convict that would prevent a settler from taking him into his service.

918. Do you think it would be possible to devise a plan for assigning convicts before they leave England to settlers there, and for the settlers to pay the expenses of the passage?—It would take some time to consider how far that could be done; I do not know how far it would work well as a general principle.

919. Have you the selection of the convicts for your farm, or how is the allotment of them arranged?—Application is sent to the principal superintendent of convicts, stating the description of men wanted. A Board decides from a list of similar applications according to seniority of claim, or some general principle adopted by themselves; but the applicant has no choice whatever.

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920. You stated that upon their landing, there was a certain portion of slops given to them, and that they disposed of those slops before they arrived at the place of their destination; would it not be better to discontinue the issuing of those slops?—I think it is a waste.

921. What is the value of them?—When a man lands, he has a pair of shoes, a jacket and trowsers, and a blanket; I should think they would cost Government about 1 *l.* 10 *s.*

922. When Government assign convicts after having been in their own employment, do they give them a new suit of slops?—When men were sent from the employ of Government latterly, they did not send them with slops, but almost naked, and the settlers were glad to get them upon those terms.

923. Do you think it would be worth while for a settler to pay a sum of money for the assignment of a convict?—Yes, I think it would, but I would have no great confidence in the collection of the money, knowing the poverty of the settlers generally. Of late years the colony has gone back very much; our stock was greatly overvalued; some years ago, when the Australian Company ceased to purchase stock, ewes were selling at 4 *l.*, and they have been lately selling at about 10 *s.*

924. Do you think that the settlers are too poor to pay a fair rate for the labour of the convicts?—I think some could pay, and all would endeavour to pay, but I would not be very sanguine that a large amount would be regularly received.

925. Would they prefer having free labourers upon the same terms?—I would rather have prisoners than free labourers, if I could get them upon the same terms as I have had them heretofore.

926. What do the slops cost you with which you supply the convicts?—I give them two shirts, which cost me about 3 *s.* each, and their trowsers and frock, and blankets; I give the coarse wool of my flocks to the manufacturers of the colony, and they give me colonial cloth, which is used for the purpose of clothing the prisoners, a sort of coarse flannel, which sells at about 2 *s.* a yard in the colony; I think the value of the slops altogether is about 5 *l.* a year for each convict, including shoes.

927. What does the tobacco cost you?—We use the colonial tobacco very much now, and we purchase it for about 2 *s.* a pound.

928. Do you apprehend that the opinion you have given of your own willingness to pay the expense of the transport of convicts from this country is a singular opinion, or that the majority of the other settlers would agree in it?—The majority of all those who are able to do it would rather pay the expense than be deprived of them altogether.

929. Are there not very large tracts of uncultivated land in New South Wales?—There are vast tracts of uncultivated land, and land that is totally unfit for cultivation.

930. Could the convicts be employed by Government in clearing and in inclosing the ground, and in the erection of buildings, so as to prepare for the accommodation of settlers on their arrival from this country?—Government have always done their work at a greater expense than private individuals, therefore upon that general principle I think it would not be likely to be attended with advantage.

931. Do you think there is any insurrectionary or turbulent spirit in the colony?—No.

932. Do you think that if convicts are continued to be sent to the colony in the same numbers in which they have lately been sent, there will be any danger of insurrection?—Not at all.

933. Would it require an increased military force?—I should think that the military force and the constabulary force could receive 4,000 or 5,000 more convicts.

934. Is the country in your vicinity tolerably well peopled?—No, I have no neighbours within nine miles, but mine is a very sterile unfavourable part of the country; at Bathurst, I suppose there is, within the diameter of 15 miles, a population of 1,000 people, that is a fine open Down, all fine land.

935. Have you any apprehensions of having your house broken open and robbed?—No, I have never been robbed in that way; I have had little things pilfered, but nothing in the shape of an open robbery.

936. Are you under any apprehensions from the natives?—Not the smallest.

937. Have you ever any communication with the natives?—Yes, they frequently come about my house to get provisions.

938. Can

938. Can you ever induce them to labour?—Not at all.

939. Are they diminishing in number?—In that part of the country they are still living in their own natural habits, but at Sydney I dare say they are diminishing from dissipation; their habits are those of a state of nature, but they are not at all destitute of shrewdness.

940. Have they any kind of religion of their own?—No, I believe they have some superstitious feelings, but I do not know the nature of them at all.

941. Are they of fine symmetry?—Some individuals of them are very handsome men; they are not strong, but very well made.

942. Are any efforts made to civilize them?—Yes, there is an establishment somewhere near the coast, that some of the Missionary Societies have placed to civilize them, and great efforts have been made in the earlier history of the colony, but they have never had the least effect, although they could read and write, and been in the habit of wearing European clothes, yet they reverted back to their old habits, even in some who had been in England.

Mr. *William Walker*, called in; and Examined.

943. YOU are a merchant at Sydney?—A merchant and shipowner.

944. Are you also a magistrate?—I am.

945. How long have you resided there?—With the exception of a year or two, when I went to Bengal, I have been there 17 years.

946. Are you able to give the Committee any information relative to the manner in which the convicts are treated at Sydney?—They are treated in the same manner as they are in the interior; they work the usual time through the day, but they have, generally speaking, a better ration than they have in the interior, inasmuch as they are often in the individual's houses; where they are treated as servants are in domestic establishments in England.

947. Are convicts upon their first landing assigned to inhabitants of Sydney?—A few are; but it is more difficult to get a convict assigned in the town of Sydney than in the country; they are now almost all sent into the interior.

948. Formerly was it the custom to allot them to the inhabitants of Sydney?—Yes; but I think that was an improper place for them.

949. Are there many persons inhabiting Sydney who have either tickets of leave, or are emancipated convicts?—A great number.

950. What is the general moral condition of those persons?—There are numbers of individuals who behave respectably; but generally speaking, I do not think they have reformed.

951. Have you any idea of what the number is of persons of that description?—I am very much at a loss to say; the inhabitants of the town of Sydney altogether might be stated perhaps at from 9,000 to 10,000 people, and I should suppose about half of them, or 5,000, may be convicts, or persons with tickets of leave.

952. What proportion of those 5,000 do you suppose have reformed, and have become useful and honourable members of society?—They have all become useful members of society, inasmuch as they are married, and many have families, but they are usually of dissipated habits.

953. Is property very insecure at Sydney unless closely watched?—I would say more so than here; but not so much so as might be apprehended from the nature of the population.

954. Is there a very rigid police?—The police is better than it has been, but it still wants improvement.

955. Do you know any instances of late years of individuals who have on their voyage shown themselves clever, intelligent persons, good accountants for instance, or who have gone out with recommendations, being immediately put into lucrative and comfortable situations upon their landing?—There are some few.

956. Is Sydney a town rapidly increasing in population?—Rapidly.

957. To what do you attribute its increase?—Partly the influx of convicts, and partly of emigrants; and the trade of the place is also increasing.

958. In the distribution of the convicts when they are landed, is regard had to their former employments; for instance, how are mechanics disposed of?—Most of the mechanics are kept by Government, it is very difficult indeed to get a mechanic.

959. Where are they employed?—In the town of Sydney, and at the different out-stations, such as the town of Paramatta, Windsor and Liverpool, where the Government have establishments.

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960. Are the men retained at Sydney kept under great restraints?—They are kept in a barrack, where they are shut up every night.

961. Then in point of fact, their situation is less desirable than that of a labourer who is assigned to a farmer?—They all like to be in the town of Sydney.

962. Have they any opportunities of indulgence?—Occasionally; I have known instances in which they have been able to bribe their overseers and get away for hours together from their work, and in fact, the general manner in which they work in the town of Sydney is quite proverbial; they do very little.

963. Do you mean to say that the street gangs do little or no work?—Very little.

964. Are not those who are upon the road gangs worked severely?—Not so much so in the neighbourhood of Sydney as in the interior.

965. Do mechanics in the service of Government often obtain tickets of leave?—After a certain time; but if they are good mechanics it is very difficult for them to get out of the service of Government.

966. Do they usually set up in Sydney when they do?—If they can get tickets of leave for Sydney; but that is very seldom the case; the Government have insisted, and very properly, upon their going into the interior, where their labour is wanted.

967. When the Government do not emancipate them, do not they remunerate and encourage them if they are good mechanics?—Very little.

968. Are the spirit shops in Sydney under any systematic control?—Nothing more than here.

969. Can any person set up a public-house?—He must have a license from the magistrates.

970. Are convicts who have been in domestic service in this country sent up the country to labour?—Yes, without any distinction.

971. Who is the superintendent of the road gangs?—There is a superintendent of roads, who is over the whole; but there are several attached to each individual gang, and those mostly have been convicts.

972. Is there much thieving and burglary taking place at Sydney.—A good deal.

973. Have you any domestic servants who have been convicts?—I had two, one of them is a man with a ticket of leave, who has been with me seven years.

974. Do you look upon that man as perfectly reformed?—I do; I think he has been a very faithful honest servant.

975. What was he transported for?—Housebreaking.

976. Do you think that the system of punishment in New South Wales might be improved, so as to make it more severe?—I think it might; I would suggest that there should be no convicts kept in Sydney.

977. Would it be advisable to subject the convict, on his first landing, to some irksome and severe punishment in the first instance?—Yes, I think it would have a good effect.

978. What sort of discipline would you recommend?—I would have him worked in the employment of Government more severely than he is with the settlers, so as to make it a boon when he gets away, to induce him to behave himself well; I have often heard the oldest settlers in the colony say, they never had such men in their employment as those they had in the earlier period of the colony, when they were all sent to a Government farm in the first instance, and worked very hard; the work was then very severe, and they were much afraid of it.

979. What do you mean by the Government farms?—The Government, in the earlier days of the colony, were obliged to cultivate food for the supply of the colony.

980. Were those labourers, after having served Government a short space of time, assigned to the settlers?—They were.

981. Did you ever see any letters from the convicts to their friends expatiating on the advantages of their situation, and advising them to come out if possible?—No, I never did, but I have heard of them; I think many have found themselves better situated in the colony than they were in this country.

982. Would that be true in a greater degree with regard to the convicts that continue in Sydney, than with regard to the convicts that are sent up the country?—I should say so; it is the object of all their desires to get to Sydney.

983. Is it not probable that much the larger proportion of those letters came from convicts in Sydney?—I think it probable.

984. Are there not a great many instances of convicts becoming possessed of property?—A great many.

985. Are not many of the shops kept in Sydney possessed by persons who have been convicts?—Yes.

986. And who are fast amassing fortunes?—Not amassing fortunes; but I think many are accumulating some wealth, though more slowly than formerly.

987. By what process do they acquire this wealth?—From small beginnings, buying and selling, keeping little hucksters shops, they go on from one thing to another.

988. Have they the means of acquiring property during their servitude?—Not during their servitude; after they acquire tickets of leave they have.

989. Are there any of those persons who have now acquired property, who are well received in society there?—Not well received in the best society; they attend public meetings, or anything of that sort, but I would say not received in society.

990. Are they not magistrates?—Not now; there were instances of it formerly; but there are none now.

991. Does the stigma attached to them remain in any degree upon their children?—I think it is not entirely effaced; I should say that, with respect to the children of a convict, who has behaved well, it is endeavoured to be forgotten.

992. Do not the emancipatists attend the balls and races, and public amusements of that sort?—They attend the races and public amusements, and they have balls and entertainments of their own.

993. But they do not mix in society with the free settlers?—Not much, except in public meetings.

994. What is the state of persons of the higher classes who have been transported for forgery?—They have been sent up to a Government establishment in the interior, beyond Bathurst, where they have been kept at some light work; but I understand lately that that establishment has been broken up.

995. Then those persons are not allowed to reside in Sydney?—I think they were distributed into families as tutors, and otherwise disposed of in the interior.

996. What was the situation of Dr. O'Halloran, who was transported?—He kept an academy.

997. Are they not very unfit persons to have the charge of the education of children?—I should consider so.

998. Are there any manufactures in Sydney?—There are persons that manufacture the coarser wool of the colony into blankets and a cloth, which is the general clothing of the convicts, there is also a manufactory of hats.

999. Is it a growing manufacture?—It is; but as we improve our wools we will have less of that description to give them. By and by I think it will be better to purchase slops from England.

1000. Has there been lately any retrogression in the property of the colony?—Not with regard to property in the towns; but there has been a great retrogression in the property of the grazier and farmer. In point of trade the colony is increasing considerably.

1001. Is there any punishment for female convicts?—Yes; there is a factory at Paramatta, where they are confined, and worked at the spinning of wool, and beating hemp, &c.

1002. Are they in general distributed as domestic servants?—They are, both in Sydney and up the country.

1003. When the period of transportation is expired, what is generally the fate of the convicts?—They settle in the country, and the females get married in a great many instances.

1004. Is it the persons who thus settle who chiefly constitute the prosperous inhabitants of Sydney?—The greater number, but not the most affluent.

1005. In what way do they generally get forward?—In the town of Sydney they are often mechanics, and get high wages; they can live at a very small expense, so that in a very short time they save money, and the wife perhaps commences keeping a shop.

1006. Is a convict, not having a ticket of leave, allowed any part of the day for labour upon his own account?—No, his whole time is devoted to his master.

1007. Do not a great many of them escape from the colony and return to this country?—I do not think a great many; all vessels that leave the colony are strictly searched before they go out; sometimes a man has stowed himself away.

1008. When they do escape, do you consider that the captains of the ships are conniving?—In some few instances they may have done so, but I think it is more likely the seamen who assist in their escape.

 1009. Are

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1009. Are the male and female convicts permitted to intermarry during their bondage?—With the sanction of the Governor, and the recommendation of the master.

1010. Do you think it would be worth while for the agricultural settlers to contract with Government to export at their own charge convicts from England?—I think they feel the want of labour so much, that they would make every effort to pay part of the expense, if they could not pay the whole; the arrangement would, of course, have reference to the number of years that the man was transported for.

1011. Are you aware of any instances, of late years, of convicts who were qualified to fill situations as clerks or Government employments, being appointed to those situations immediately upon their arrival?—I recollect one or two that were appointed, but I cannot state the length of time they had been in the colony.

1012. Has that been since Governor Darling's appointment?—I cannot say; I think that Governor Darling would make objections to it.

1013. Do you not think it improper that it should be so?—Yes.

1014. Do you think the discipline which Governor Darling has introduced into the colony is beneficial?—I think it is extremely beneficial.

1015. Supposing that any arragement was made for the payment by the settlers of a sum of money for the labour of the convicts, in what way do you think it could most advantageously be charged?—I think a sum to be paid periodically.

1016. Would there be any difficulty on the arrival of the convicts in subjecting them to competition by the different settlers?—None that might not be surmounted by judicious arrangements in the details of the plan.

1017. Do you not apprehend that that sort of auction for labour would be very detrimental to the poorer class of settlers?—If the supply of convict labour was small, certainly they would feel it very severely.

1018. Is there a prospect of a continually increasing demand for labour in the colony?—I think there is no doubt of it, there were applications for full 2,500 convicts, which could not be supplied, when I left the colony in February last.

1019. What description of convicts do you think feel their situation most severely, the London thief or the agricultural labourer?—I think the labour is far more irksome to the London thief.

1020. Is not the London thief more anxious to get back to his old haunts and his old enjoyments than the other?—No doubt of it.

1021. Do you see any difference in the behaviour of the convicts, according to the length of their sentence of transportation?—I cannot say I have remarked any difference, I think those who go out there with very few exceptions seem to make up their mind to remain in the colony.

1022. Do they, generally speaking, soon become reconciled to their situation?—I think they do.

1023. Are there many instances of persons transported for life being emancipated?—Yes; but emancipation is now given very rarely.

1024. Is there any difference there with respect to tickets of leave, as to those transported for life, and those transported for a term of years?—Yes, the man transported for a term of years has a shorter period to serve before he gets a ticket of leave than the convict for life; I think a convict for life must serve for eight years before he can get a ticket of leave, and he must serve that time with one master; if he serves with two masters the period is lengthened.

1025. Does not it depend upon the report of the master whether he gets his ticket of leave or not?—Yes.

1026. Is an emancipatist at liberty to leave the colony?—No.

1027. Has the governor the power of pardoning entirely, and sending a man home?—I think now he has not.

1028. Can you form any idea whether the great mass of the convicts are ignorant, or tolerably instructed people?—I should say ignorant; I think the bulk of them are men who cannot read and write.

1029. What is the general state of morals at Sydney, as compared with a country town in England?—I should say they are loose; and there is more vice than in a country town in England.

1030. Is prostitution very general there?—It is.

1031. Are they not very apt, if an opportunity offers, to return to their old habits of thieving?—There are many instances of it; but they are in general so well off that they do not exhibit that propensity.

1032. What provision is made for illegitimate children in the colony?—None.

1033. What

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1033. What becomes of a bastard child?—Those children are so few in number that the parents generally take care of them; there is a house for the reception of orphans, under Government; it requires a good deal of interest to get into it.

1034. Are the prisons in general very full?—They are, particularly in Sydney.

1035. Are there many executions?—Yes, particularly of late.

1036. For what species of offence?—Very various; murder, robbery, burglary, and sometimes for rape.

1037. Has the tread-mill been introduced there?—It has.

1038. Who has jurisdiction in pronouncing punishment for capital offences?—The Criminal Court; consisting of the judge, and seven of His Majesty's officers.

1039. Do you think there is a general feeling of discontent in the minds of the emancipated colonists; are they anxious for a greater extension of rights and privileges than they at present possess?—I think this feeling is more confined to the town of Sydney than in the interior.

1040. Does it prevail principally among the free settlers, or amongst those who have been formerly convicts?—There are a number of free settlers that desire it, and there are many of them that think it is hardly time for it yet.

Mercurii, 27 die Julii, 1831.

Dr. *George Rutherford,* called in; and Examined.

Dr. *George Rutherford.*

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1041. HAVE you lately been in New South Wales?—I have.

1042. In what situation were you there?—As surgeon superintendent of convict-ships.

1043. Have you made several voyages to New South Wales in the same capacity?—Seven.

1044. Is your experience confined to the treatment of convicts on board ship on their passage out?—A good deal so; I am also a good deal acquainted with New South Wales itself.

1045. What appears to you to be the general impression in the minds of the convicts who come on board as to their situation in New South Wales?—There is a great degree of apprehension, in the first place, of the voyage, and afterwards of what they have to expect on their arrival in New South Wales. They seem gene rally to be quite ignorant of what sort of treatment they are to receive.

1046. Do you mean they are apprehensive of the treatment they are to receive? Yes.

1047. Is that the case with the London thieves, or is it confined to the convicts from the country?—It is the case with the convicts generally.

1048. Then they do not look forward to it as a land of promise?—Some of them do so express themselves, but very few; in general they have an apprehension of what they are to suffer.

1049. Does that depress their spirits so as to affect their health?—Generally it does.

1050. Are they well rationed on board the ship?—Yes, they are.

1051. Have they the same rations that land troops receive on board ship?—There is a regulated allowance; two thirds their rations.

1052. Do you find when on board ship their conduct is reckless and careless, and that they are apt to resort to the stories of their past life, and encourage each other in crime?—There is a great deal of that amongst them.

1053. So that during the voyage, instead of becoming better, they become worse than before?—I should not say they became worse in general.

1054. Is their health, generally speaking, good on board ship?—Yes; I only lost five prisoners in seven voyages, and there were 1,209 landed in health out of 1,214 embarked.

1055. Are they placed under much restraint on board?—My own manner of treating them is to allow a third of them to be on deck at a time for their health.

1056. Are they allowed to amuse themselves on deck, or are they watched?—I require them to take exercise on deck.

1057. Have they free intercourse with each other?—Yes.

1058. Are they ironed?—They are ironed at first; they are not now in the habit of sending them on board in double irons.

1059. Are they ironed when taking exercise on board?—No, unless they conduct themselves so ill as to require it.

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1060. Are they allowed spirits on board?—None.

1061. That does not form part of the ration?—No.

1062. What beverage have they?—Water.

1063. Are they allowed no spirits towards the end of the voyage, when the water becomes worse in quality?—Government puts two gallons of wine on board in proportion to each man, and it is left to the surgeon superintendent to issue it to them as he thinks advisable.

1064. Towards the end of the voyage water becomes bad, does not it?—I never found it so.

1065. Do the ships water at the Cape?—I never touched but once going out at Rio.

1066. On landing you find them generally in good health, or the reverse?—I generally had them in good health. I seldom had occasion to send a man to the hospital.

1067. Does any thing occur to you by which the discipline on board of ships can be improved?—No; I have never been able to improve upon it myself; I have followed up the same course of proceeding in the last three or four voyages.

1068. I suppose the voyage itself is considered a punishment, is it not?—It is.

1069. Are you not aware there is a considerable facility for escape from the colony?—I should say not.

1070. In the ship in which you came home, did not a convict contrive to secrete himself and return?—He did; it was the first time that occurred in any ship I returned in.

1071. And of course you and the master of the ship examined it as strictly as possible before she sailed?—Yes; constables are sent on board to search the day the ship sails.

1072. In private ships, where the master is not so anxious to prevent that taking place, is it not almost impossible for the police to guard against some convicts being concealed?—I conceive in general the search is very strict.

1073. What became of the man who effected his escape in the ship you returned in?—I do not know.

1074. He effected his escape from the ship in the river, did not he?—Yes; he escaped in the river.

1075. With the connivance of the crew?—Yes; it is fair to presume so.

1076. From your experience of New South Wales, do you think the convicts become reconciled to their new situations there?—They have a great dread of being obliged to remain in Government gangs in the employ of Government; their great desire is to be assigned to settlers.

1077. Then by way of increasing the severity of the punishments would it not be advisable to make them always undergo the ordeal of a certain length of service in the government gangs?—The settlers sometimes have a reluctance to receive men who have been long in the government gangs.

1078. Have you had much experience of convicts who have returned to England after the period of their transportations have expired?—Only those who have come home in the convict-ships.

1079. Do they express much joy at their return?—Very much.

1080. Do you consider the labour of the convicts in New South Wales more severe than that of the agricultural labourers in England?—Decidedly so.

1081. Have you in the course of your voyages known a case of mutiny among the convicts?—They were disposed to be mutinous in the last voyage.

1082. What was the cause of that?—Some men had been sent on board from Bermuda, who had conducted themselves so ill that they could not keep them there.

1083. Do you mean men who had been transported to Bermuda, and were sent from there to New South Wales?—Yes.

1084. Is there any hope of change for the better in their characters on board ship?—I think there may be sometimes.

1085. Have you ever known a change for the worse after they have left the ship?—I have known persons go from the ship with a good character, who conducted themselves badly after.

1086. Is that because they are old experienced thieves?—Yes.

1087. In case of misconduct, what is the punishment you inflict on board ship?—Putting them on bread and water very often, or putting them in double irons if they had been in single irons or in handcuffs, and the last alternative is flogging.

1088. Do you allow them butchers meat on the voyage?—It constitutes a portion of the ration.

1089. Every

1089. Every day?—Yes.

1090. Do you think that is necessary for their health?—I think the ration is better calculated to keep them in health now than it was formerly.

1091. Do you think meat is absolutely necessary for their health?—I think it is absolutely necessary they should have some portion of meat during their voyage.

1092. Is it necessary they should have meat every day to keep them in good health?—I think they might be in good health and have banyan days.

1093. Would twice a week be sufficient?—I think it would.

1094. Do you think the price of provisioning them would be reduced by that?—I do not think it would.

1095. Do the convicts perform any kind of labour on board?—Some of them do; those who are tailors, carpenters, or joiners.

1096. What number go out in a ship generally?—From 180 to 200, to 220.

1097. Government contracts with individuals to send them out?—Yes, for their carriage out.

1098. But not for provisions?—No; government puts provisions on board.

1099. Have you ever been on board a female convict-ship?—No.

Dr. *George Rutherford.*

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Thomas De la Condamine, Esquire, called in; and Examined.

1100. HAVE you lately returned from New South Wales?—Yes, about a fortnight.

1101. In what situation were you there?—Aid-de-camp to the governor, and for two years private secretary.

1102. How long were you there?—Five years.

1103. Is your experience confined principally to Sidney, or is it of the country generally?—I saw the greater part of the colony, as I attended the governor in his tours through the country.

1104. What is the state of the population in Sidney, generally speaking, with respect to morals?—The moral state of the people is exceedingly bad.

1105. Is that confined to emancipist convicts; or does it extend to the free settlers?—I think the moral standard of the whole population is lower than that of any town of the same size in England.

1106. Have the convicts at Sidney the means of communication with the other inhabitants of the town?—Those in the employment of private individuals have; but those who are in the employment of Government are for the most part confined to the public establishments.

1107. Have they not the means of evading that confinement frequently?—Many of them are permitted to find their own lodging as an indulgence, and to employ their time after working hours for their own benefit; they of course lodge wherever they please.

1108. Is that in consequence of exemplary conduct on their part?—It is granted as the reward of good conduct.

1109. Is it not the practical effect of that indulgence that they are apt to indulge in dissipation?—As soon as that becomes known the indulgence is cancelled.

1110. Have they not the means of doing so without its being known?—I think not; these men are all known to the police, and are restrained from committing many irregularities by the fear of forfeiting this indulgence. The most troublesome part of the population of Sidney are the emancipists of the lowest description. These men, from a state of degradation and restraint, are suddenly released from the summary jurisdiction of the magistrates; they at once arrive at all the privileges of free subjects, and cannot be punished summarily, or checked immediately in their depredations as in the case of prisoners.

1111. Emancipation in some cases does not liberate them from the colony?—I mean by emancipation the expiration of the period of servitude; in such cases they are at liberty to return to England. I do not refer to those who are pardoned.

1112. You stated that persons were allowed to be absent from the barracks at night who find lodgings for themselves; have those persons tickets of leave?—No; a man holding a ticket of leave has the privilege of employing the whole of his time to his own advantage, but the men who lodge out of the barracks have merely the privilege of employing that portion of time for their own advantage which the Government does not require; that is, one day in the week, and every day after sunset.

1113. He is allowed one day in the week?—Yes, that he may be enabled to provide his own lodging.

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1114. Is some degree of punishment considered necessary before that indulgence is granted?—It is; supposing a man on his arrival is retained by the Government, he would be required to have served the Government, and conducted himself to the satisfaction of his superintendent, for a twelvemonth before his claim is entertained. It does not necessarily follow that he would be allowed this indulgence even at the expiration of a twelvemonth.

1115. Is that good conduct any proof of reformation in the part of the convict, or is it not often assumed for the purpose of obtaining the indulgence when the individual is just as depraved and demoralized as ever?—I believe it has often occurred that an individual, who when under restraint conducted himself steadily; when he afterwards became free reverted to his former habits.

1116. That is, a man who receives that indulgence?—The desire of obtaining that indulgence may induce a convict to conduct himself well during the period that he is in the barracks, but the inducement is not removed when he is in possession of the indulgence, because the slightest misconduct involves the forfeiture.

1117. That is, if discovered?—Of course; but his detection is almost certain; the police of Sydney is very efficient; besides, he is constantly under the observation of the overseers and the superintendents; he is required to be at work from sunrise to sunset, and if he is either drunk or absent, or commits any irregularity, the indulgence is immediately forfeited, and he is again confined to the barracks.

1118. Does not the very fact of the convict knowing that such a preparatory short probation would entitle him to that indulgence very much diminish the dread of transportation as a punishment?—I think not.

1119. You stated the emancipists were the most troublesome part of the population?—Yes, those of the lower orders.

1120. Are there any means of controlling them more effectually?—I do not believe any such measures could be adopted; when convicts have served the period of their punishments they are restored to their civil rights, and therefore any law which controlled them would be applicable to the whole colony.

1121. Is the police strict?—The police is very extensive, but it is a matter of difficulty to form a police in the country districts. The mounted police, which is formed of soldiers from the regiments stationed in the colony, affords the best protection to the country.

1122. Is the police formed almost entirely of convicts and ticket-of-leave men?—In Sydney the police is principally formed of persons whose terms of transportation have expired; in the country districts, convicts, and men holding tickets-of-leave, are often employed.

1123. In what way do you distinguish those who are pardoned from emancipists who have served their term?—They are called emancipists in both cases; but when it is necessary to distinguish them, those who have served the full term of their transportation are called expirees.

1124. Are there a considerable number of conditional pardons which do not allow them to leave the colony?—The numbers pardoned annually are very few; in the course of five years I do not think that they amounted to more than thirty.

1125. Do you think it would be impossible to form a police of any other materials than those of which it is at present composed?—I do not think that the colony affords better materials. There is a military police for the country districts.

1126. How many convicts are there altogether in Sydney?—I do not know the number in the employment of private individuals, but in the employment of Government I think there are between 400 and 500.

1127. Is it not the fact, that their labour is of very little advantage to Government; that they neglect it?—It is, when compared with free labour in England.

1128. Do you find it impossible to make the overseers do their duty?—I think the duty is performed as efficiently as it is reasonable to expect from convicts.

1129. Is it impossible to obtain persons to fill the office of overseer except from the convicts themselves?—Certainly; and of course a great deal more labour would be produced, but the expense would be very considerable, because where the labour is compulsory, and there is no inducement but the dread of punishment, the men are made to work in gangs, and every gang must be constantly attended by an overseer; convicts cannot be trusted to do any work alone.

1130. Are the overseers themselves frequently extremely negligent of their duty?—I should say not: I think that as convicts it is their interest to keep on good terms with the men working under them, but, at the same time, they forfeit their reward

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in case of neglect, and I should say they were tolerably good for men of their class, quite as good as can reasonably be expected.

1131. Is not the labour performed by these gangs at Sydney frequently a mere apology for labour?—Yes; and it is not confined to Sydney; in all gangs of convicts the labour performed is inconsiderable.

1132. On what works are they employed in Sydney?—On the construction and repairs of all public buildings.

1133. What proportion of the 400 or 500 convicts at Sydney are out-barrack men?—I think probably 150. It has been the desire of the local government to adopt contracts as far as practicable, and to do away with the necessity of having convicts in Sydney at all; but there are very few people in the colony capable of undertaking contracts, and when the experiment has been tried it has generally failed.

1134. Have you been much up the country?—I have been in the greater part of the country, but only in excursions with the governor, and not as a resident.

1135. What impression was made on your mind with respect to the feelings of the convicts in the employment of the free settlers, as to their situation?—I think all the convicts who come from towns feel it to be a very severe punishment, as they are debarred from their usual sources of enjoyment, which are sensual and idle. They have no access to spirits of any kind. They are well fed; but they receive no other reward for their labour, and they are generally uneasy under that restraint; I think they feel their punishment quite to the extent which the law contemplated. The agricultural labourers, and particularly those of Ireland, may feel that their condition in many respects is improved, and they soon reconcile themselves to their new country.

1136. Do they frequently write home to their friends to inform them how comfortable they are?—I believe the letters, which are either written by or to convicts, are very few.

1137. Such instances have occurred?—Yes; no vessel arrives or sails without some communication of that kind.

1138. Are the letters all opened?—They are not opened, except those from the government establishment, which are sent through the superintendent; but I know of nothing to prevent a convict from putting his letter into the post-office.

1139. Can a convict still under sentence send his letter without having it examined?—Yes; I do not know that there is any possibility of preventing it.

1140. With respect to the facility of escape, has not the government found it exceedingly difficult to prevent convicts getting on board ships leaving the colony?—The only check that I am aware of is the penalty upon owners of the vessel, and that every vessel is searched by the custom-house officers, and the police, previously to its leaving the port.

1141. But in spite of that search, and of all the measures that have been adopted, is it not the fact, that a considerable number of convicts do contrive to get on board ships that are leaving the colony?—I think not; the number that escape is, I believe, comparatively small; I mean of those who are known to have escaped, or known to have been absent, and not returned. Men are assigned to private individuals immediately on their arrival; they are often lost sight of. They may remain with the master till they die, and their death is never reported.

1142. Does not that appear to you to be a great defect in the system, that no report is made on the deaths of convicts?—Certainly.

1143. Ought there not to be a monthly or a half-yearly report?—It is certainly desirable that the superintendence of all convicts, whether in the employment of the government or of private persons, should be much more detailed than it is at present; but this would require very extensive machinery of office. The convict population is in a state of constant fluctuation: they are first assigned on their arrival, and they are afterwards constantly changing from one district to another, and from one settler to another; of course all these changes would occasion a great deal of labour, if it became necessary to keep a record of the history and proceedings of each individual; besides that, they must be mustered periodically, for the returns made by the masters of servants could scarcely be relied upon. If such a record as I now mention were kept, and a muster of the convicts made periodically, the actual state of the convict population could always be ascertained. A census was taken in the year 1828, when returns were furnished by every individual.

1144. Would not that of itself be a considerable check?—I think it would be necessary to muster the convicts.

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1145. Would it be practicable to require from every person to whom convicts are assigned, a return giving the names of all the individuals in his employ?—Certainly.

1146. And that those returns should be periodical?—Yes; there is no difficulty. A few additional clerks in the office of the superintendent of convicts would be sufficient.

1147. Although the returns might be frequently defective, still any person making a false return would be liable to a penalty?—A penalty should be attached to it by law.

1148. Under the present system, is not this abuse perfectly practicable; a convict, for instance, might have wealthy friends in England, and might receive a sum of money, and bribe the person in whose employ he is to allow him to be absent, or allow him a great many indulgences which he is not entitled to?—The master would then subject himself to a heavy penalty, and also any person who employs the convict.

1149. Would there not be a more effectual means of checking that by a muster?—Certainly, a muster would be the best check.

1150. Without a muster, how have they ascertained the population according to the returns we have?—By a census.

1151. Is that taken annually?—It was taken but once, when I was in the colony.

1152. If the settlers were required to send in periodically a return of the number of persons in their employ, stating their names, and that were sent in to the superintendent of the police of the district, would not that afford facilities for checking any improper conduct on the part of the settler at conniving at the absence of the convict; and would not it also afford the means of ascertaining exactly the distribution of the convict population, the amount of the actual population, and the mortality?—Yes; it appears to me, that if every change in the convict population were reported to the superintendent of police in each district, and a record kept in his office of every such change, that it would afford an effectual check against many irregularities among the convict population, and furnish a correct account of their actual state; but I think it would be essential that the correctness of that statement should be verified by a periodical muster, at least every two years.

1153. What class of persons are the superintendents of police; what description of persons?—They are gentlemen who have emigrated to the colony, and are selected for their intelligence and experience of the country.

1154. Are any of the convicts after the period of their transportations have elapsed, appointed to situations of that description?—They are never appointed to situations under government, nor to the commission of peace; neither are they allowed to receive grants of land.

1155. What is the general estimation in which the emancipists of the better class, who have acquired property, are held in society, as compared to the free settlers?—I am not aware of any instance of an emancipist having acquired influence or property since the arrival of General Darling. There are emancipists of former days in the colony of very considerable property, and considerable commercial influence, but they are not associated with, or received into society by the respectable inhabitants.

1156. Do you find them a troublesome and discontented class of persons?—The wealthy emancipists of whom I speak are generally attached to and supporters of the government, and orderly in their conduct.

1157. Do you find that those individuals are anxious to obtain privileges which they do not at present possess?—It would no doubt be very gratifying to them; but they have never made any direct application of that nature.

1158. Do they form a distinct class of persons and associate together?—They are received by the secondary persons, but they associate principally among themselves. The number is very small, being composed of men who have been in the colony many years; and I think that the various professions and respectable callings in life are now so filled by free emigrants, that there is not the same opening for the emancipists to rise to wealth and influence as there was formerly.

1159. None of them act as magistrates?—No; none of them are in the commission of the peace.

1160. They are not admitted to the governor's table?—Never; nor are they received in any respectable society; by respectable society, I mean the civil and military service, together with the first merchants and the principal landholders. The respectable emancipists are few in number compared to the free inhabitants.

The population of Sidney is 12,000, and I should say there may probably be 200 who have risen into the respectability of shopkeepers. *T. De la Condamine, Esq.*

1161. What means have they of rising to that station?—Before the free emigration to the colony took place, these men, as they became free were the merchants and dealers of Sidney, and acquired property. 27 July 1831.

1162. Do you suppose the funds were applied to any of them from this country, to enable any of them to set up in trade?—I am not aware.

1163. Do you think that class is diminishing rather than increasing?—Certainly diminishing.

1164. In short the opportunity of getting wealth is gone by?—I know of no instance of any one man of this class acquiring wealth since General Darling's arrival.

1165. What is your opinion of the general state of the colony as to its prosperity?—I think it is rising in wealth and consequence.

1166. From what class of persons proceed the efforts that have been made to obtain trial by jury and extension of political rights?—By a very few in number, but they are very noisy.

1167. What class of persons?—The class of persons are both free and emancipists. I think principally what is called the Currency, that is, natives born of European parents.

1168. What is the condition of the currency-children; are they well conducted in general?—Yes.

1169. In what way are the children of convicts treated by the population of the colony?—Entirely as free individuals, the same as if they had arrived from England, free according to their station in life.

1170. Are they received into society?—There are none the condition of whose parents would entitle them to be received into the first society.

1171. But in the grade of society in which their parents lived are they received as innocent persons?—Yes, as perfectly innocent, and untainted.

1172. Are they satisfied or dissatisfied with their situation?—Satisfied, I think.

1173. Do they show any different position or character from the settlers?—They are frank, free and bold; I think they partake a good deal of the character of the American population; they have been bred up in a state of society different from that of an old established country, and are very independent in all their feelings.

1174. Is there any disposition in them to associate together, and show any hostile feeling to the settlers?—I have never observed any.

James Busby, Esq. called in; and Examined.

1175. HAVE you lately returned from New South Wales?—I arrived in England on the 14th of the present month. *James Busby, Esq.*

1176. How long did you reside there?—Since February 1824.

1177. In what situation were you there?—Previously to my settling in the colony I had spent some time in France, with the view of acquainting myself with the culture of the vine, and the making of wine; and about six months after my arrival I was employed by the trustees of church and school-lands to superintend an establishment which it was proposed to found similar to that of *M. Fellenberg*, in Switzerland, in which the boys of the Orphan Institution were to be employed in the culture of the vine and similar pursuits; I was in that situation two years and a half, and was then appointed by General Darling collector of the internal revenue of the colony, and member of the Land Board.

1178. In the course of your residence there had you frequent opportunities of observing the condition of the convict population?—I had frequent opportunities. As a member of the Land Board, I believe I was as much conversant with the situation of the convicts generally as any person in the colony; and I had also opportunities of observing their condition at different periods, and in various situations in the country.

1179. As a member of the Land Board, the duty of assigning convicts upon their arrival devolved upon you?—Yes, upon that Board generally.

1180. In a report which was made, you divide your consideration of the state of the convicts into four heads?—Yes.

1181. You begin with the difficulty of disposing of what you call *gentlemen convicts?*—Yes.

1182. Are those persons who have filled the situations of bankers and merchants clerks persons of that description?—Yes, those are the persons I allude to.

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1183. What offences in general have they been transported for?—I think forgery; upon that point I cannot speak from an exact knowledge, but I believe generally forgery or frauds.

1184. The Government has great difficulty in disposing of those persons?—Yes, very great difficulty; their disposal has *always* been a source of difficulty.

1185. How are they disposed of in general on their arrival in the colony?—For the last two, or probably three years, there was an establishment at Wellington Valley, 200 miles from Sydney, to which they were sent, and I believe employed as shepherds, or in any light work; but I ought, perhaps, to confine this observation to the highest class who had really moved in the station of gentlemen in this country. Many of the others were employed in public offices where the duty was not of a confidential nature; and the remainder, as far as there was a demand for them, were distributed into the service of respectable individuals in the colony, who employed them as clerks, or as tutors for their children.

1186. In short, in confidential situations?—Yes, perhaps the most confidential of all situations, but not confidential as far as relates to pecuniary matters.

1187. Do you think those persons were fit for such employments as those?—It was a choice of difficulties. They certainly were in general very unfit for tutors, but it would have been impossible for many of the settlers to have procured other means of educating their children, in consequence of their distance in the interior.

1188. What is the average number of gentlemen convicts arriving in the colony?—I cannot give a distinct answer to that question.

1189. What proportion do they bear to the whole number?—Of those who have not been used to manual labour there are probably one in eight, or one in ten. I merely speak from the recollection I have at present of their appearance in the lists of convicts for distribution.

1190. You think one in ten of the convicts who arrive are of this difficult class?—Yes.

1191. Are you prepared to make any suggestion to the Committee of the mode of employing those persons?—I am not prepared to offer any suggestion upon that subject. I think New South Wales hardly furnishes any mode with the exception of a similar establishment to that which existed at Wellington Valley.

1192. Why was that establishment done away with?—In consequence, I believe, of an order from the Secretary of State.

1193. Was that in consequence of the expense?—I do not know. It was done away with as connected with the establishment for live stock belonging to Government.

1194. The expense of the establishment was very great, was not it?—Perhaps it might have been, originally, but the expenses must have been very much reduced during the last two years. I believe the reduction of that establishment was part of a general measure, and had more reference to the live stock than the convicts.

1195. Could their labour compensate for the expense of their support?—Certainly not, if in the expense of their support is also included the expense of superintendence.

1196. Would it be possible to establish a government-farm, and make the men labour upon that farm, keeping them apart entirely from all communication with convicts of an inferior description?—I should be inclined to say that such employments as they were put to, and which were not actual labour, was a severe punishment for them. In fact, the punishment consisted in their being withdrawn from any communication with, and being sequestered at a distance from, all society.

1197. That establishment being broken up, are those individuals now employed exclusively in the situations you have described, as clerks and tutors?—Precisely, as far as they could be disposed of; I do not know what has become of many of them, for we were at our wits end in disposing of those convicts when Wellington Valley was broken up. The Governor generally reserved to himself the disposal of this class. In disposing of the ordinary convicts the lists of assignment were filled up by the Land Board; and I think in three years the Governor did not make more than two or three alterations; but he reserved to himself the disposal of this class of convicts, and we merely wrote in pencil the names of such as we considered eligible applicants for them.

1198. Then the sense of degradation once overcome their situation is one of comparative comfort, Wellington Valley being broken up?—Wellington Valley was never, I believe, intended or employed as a place of confinement, excepting for the highest class of convicts. And I speak with reference to the others when I say, that compared with what I hear of the distresses of all classes of the community in this country

country, they *are* well off; and those who are employed as tutors, as far as regards the necessaries and many of the comforts of life, are exceedingly well off. But except in the utterly abandoned, I suspect the sense of degradation never *is* overcome. This is the severest part of the punishment, and is felt most acutely by those who are least deserving of severe punishment.

1199. Have they not frequent opportunities of turning their talents to account, and earning considerable sums of money?—In the towns they have; but I think very few have been assigned or employed in the towns of late. That was at one time very common, but not of late.

1200. Supposing these persons were to be allotted to different settlers up the country, and not to be put to labour, but merely sent to these institutions as a place of banishment, and an allowance were made to the settlers to whom they were to be allotted for their maintenance, would not that operate as a severe punishment to persons of that class if they were debarred from all society, and all communication with books, or any business of that description; would not that operate as a severe punishment?—I should think not, in the majority of cases, even were it practicable; it depends so much on the temper of the individual. The great majority of persons in that situation have probably been in straitened circumstances at home, even as clerks and shopmen, or people of that class, and to them I think it would be any thing but a punishment. As compared with their previous circumstances, many of them, from their superior talents, would acquire such an influence over their masters as would lead to their being treated as equals rather than as outcasts.

1201. If their labour is of no value you cannot depend upon the settler keeping them, but if you were to make an allowance to the settler he would endeavour to keep the allowance and get rid of the man, would not he?—I think it would be impracticable to carry such a measure into effect.

1202. What occurs to you as the best mode of dealing with these persons from your local knowledge?—I have not thought of any mode superior to that adopted by General Darling in sending them to Wellington Valley, and merely because it was sequestered from any communication with the world, and the persons there confined were beyond the reach of vicious indulgences. I should say, in giving an abstract opinion upon the effect of punishment on such people generally, that solitary confinement is by far the most appropriate punishment.

1203. What number of these convicts was there at Wellington Valley before the establishment was broken up?—I am not prepared to state.

1204. What distance is it from Sydney?—About 200 miles.

1205. Was solitary punishment ever inflicted at Wellington Valley?—I am not aware.

1206. Their labour even there you consider as worthless, or nearly so?—Not altogether—to the government; I do not think any labour is worthless; but I do not think the value of their labour was ever the object aimed at.

1207. In what way were they employed at Wellington Valley?—I believe chiefly as shepherds, and in any light work they could give them to do.

1208. Could not that be done in different parts of the colony without having one establishment, and so diminish the expense?—You must have a very confidential superintendent to put in charge of such persons; it was with extreme difficulty that the Governor could get a person whom he could with propriety intrust with the management of the Wellington Valley establishment, and the mere superintendence would therefore be a source of great expense.

1209. Is it the impression on your mind, that taking the aggregate of the convicts that come out to New South Wales, their situation is not one of that severe and irksome nature which would operate as a sufficient check to crime in this country?—Certainly not. Looking to all I can see and hear of the situation of the labouring classes in this country, I should say transportation was a change for the better in the majority of cases.

1210. The second class you have mentioned in your report is the mechanics, is it not?—Yes.

1211. Are not those individuals, when they arrive at New South Wales, placed frequently in situations of comparative comfort, with the means of acquiring considerable property if they are industrious?—They are not placed intentionally in such situations; but it is impossible, with the means at the command of Government, to prevent many of them from obtaining the means of indulgence; it is not a situation of comfort, strictly speaking, but a situation even more accordant with the wishes of a person of dissolute habits.

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1212. Are not a great portion of the mechanics on their arrival at Sydney retained in the employment of Government?—By much the greater number of usef mechanics.

1213. Before you left the colony, had not orders arrived to break up as much as possible the Government establishments at Sydney, and assign the convict mechanics to the free settlers?—I do not speak from official knowledge, but I always understood it was the instruction of the Home Government to break up these establishments as fast as possible, and several establishments have been broken up during the last two years; I was not aware that any decided order had reached the colony to break them up.

1214. With respect to mechanics who are assigned to settlers, do not the settlers find it to be their interest to give them very considerable indulgences?—It is almost a matter of necessity, before any labour can be procured from them.

1215. They are obliged in short, with a view to derive as much profit as they can from their labour, to give these mechanics indulgences which place them in a better situation than, generally speaking, they enjoy in this country?—I should say so decidedly, referring to the working classes generally in this country, and not to any particular description of mechanics.

1216. Among the mechanics who come out as convicts, is not the fact pretty well known before they come to the colony that they will be able to enjoy very considerable comforts there?—I think there are few of them but are aware that their situation in the colony will be much more comfortable with regard to the necessaries of life than that of the generality of working people in England.

1217. Has not the settler the means of enforcing the labour of the mechanics without entering into that compromise?—He *has* the means by application to a magistrate; but at the same time there are so many ways in which the mechanic can prove a source of annoyance to his master, that it is generally better for the master to yield the point; for instance, he can spoil the work in his hands, or feign himself ill, and annoy him in many other ways.

1218. Has the same difficulty been found in the government establishments of making the convicts work as you have described among the settlers?—From all I can learn, I believe a government mechanic at Sydney, or any other great establishment in New South Wales, does not do a fifth part of the work a good mechanic does in England.

1219. How is it as compared with the work he does for a private settler?—I think it is much worse. There is the greatest difficulty in procuring overseers who will do their duty; I might say the general characteristic of such people is a perfect apathy with respect to the progress of the work under their charge.

1220. What means of punishment does the law give to a settler in the case of misconduct or negligence on the part of his servant?—He can do nothing but by the intervention of the magistrate. A single magistrate, I think, has power to sentence a convict to 50 lashes, or for six months to a road-gang; two magistrates, forming a court of sessions, can send a convict for three years to a penal settlement, or for a similar period to be worked in irons on the road. There are various degrees of punishment; but the settler has nothing in his own power.

1221. But for minor offences, which may prove a source of annoyance and loss to the settler, is not that remedy almost nugatory up the country, where they are many miles from a magistrate?—I am persuaded there is a great deal of truth in that; many offences are passed over because it is of more importance, that is to say, it is more to the interest of the assignee of the servant to pass over the offence, than be at the trouble and expense of going before a magistrate with him, the result of which might also be, that he would be deprived of the service of the servant for a longer or shorter period by the punishment which would be inflicted. I think a regulation has long been wanting to fix a minimum of rations and clothing, more than which the servant should not be entitled to demand, and less than which the master would not be justified in requiring him to receive, in order that anything further given to the convict by the master should be distinctly understood to depend altogether upon the satisfaction which the conduct of the servant should give; if that minimum were fixed at a very low rate, just sufficient to support a man in health, the master would naturally have a great command over his servant, by having the power to reduce him to that minimum, or increase his indulgence, according to his conduct.

1222. But would not that be liable to be abused in some cases?—I think, if such a minimum

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a minimum were fixed as would leave the man's health safe; there would be very little room for abuse.

1223. Might not the minimum be fixed in this way; that the food being perfectly wholesome, it should be perfectly unpalatable to the convict, and therefore he would be very glad to have a better description of food: for instance, might not the government regulations allow him only maize, and would not he be anxious to do work to obtain better bread?—Certainly. My observation was intended to apply rather to the quality than the quantity of his food.

1224. What is the ordinary course of feeding given by the settler to his convict servant?—Some of them almost give their servants a discretionary quantity; in plentiful years (which have not been very common of late) the common quantity of bread is what a peck of wheat per week would produce.

1225. How much bread is that per day?—It may produce two pounds a day of good wholesome bread.

1226. In addition to that what quantity of butchers meat is allowed?—From 7 to 10 pounds a week.

1227. Are they allowed milk?—In many districts universally; and tea and sugar were very commonly given them at one time, but since the price of butchers meat has fallen so low, the profits of the grazier will no longer afford that, and they get milk.

1228. Upon the whole is it your opinion that the condition of the mechanics in New South Wales is one of greater comfort than is contemplated by the law?—I think the majority have the means of commanding it, that is to say, they can command a greater portion of necessaries and luxuries than the majority of the working classes in this country; and although the great value of their labour makes them the more sensible of the want of liberty, yet looking to the advantages the most of them can command during their bondage, and the independence their industry may secure after its expiry, I think many of them are satisfied that they have made a desirable change, instead of incurring a severe punishment.

1229. A third class that is stated by you in your report consists of the agricultural labourers?—Labourers of every description.

1230. Is not their condition in New South Wales one of greater comfort than is consistent with a due regard to punishment?—Certainly; I think so. All of them have abundance of food, and very few of them work hard.

1231. Is that generally known among them when they arrive?—I think most of their ideas are formed upon what *was* the state of the Colony, rather than what it is at present. I believe many of them are disappointed, and expect to be much better off than they really are. They expect a degree of liberty, I think, that they rarely meet with.

1232. Do you think their labour is so severe as that of the agricultural labourers in this country?—I should say decidedly not. Perhaps the climate is against them. During three or four months of the year they cannot work so hard or so long in that climate as they could in this, at least without greater exhaustion.

1233. That is with reference to the climate?—Yes; and including that drawback upon their labour, I should say the work performed was in general very trifling; and that an agricultural labourer in this country would with the greatest ease do the work of two of them.

1234. Do you not think the suggestion you made relative to a minimum of food would have a beneficial effect as relates to the agricultural labourers, inasmuch as it would enable their masters to obtain from them a greater portion of labour by the promise of an improved ration, than he can at present, where there is no such regulation?—Certainly; I intended to apply it to all convicts, more especially to those in the country.

1235. Does any thing else occur to you as likely to improve the discipline of the agricultural labourers?—There is one very important point as to those in the service of private individuals. I have frequently seen the evil, but the remedy is the suggestion of Mr. James Walker, who, I understand, has been examined before this Committee, and I think it goes to the bottom of the evil. The magistrates have frequently great difficulty in deciding between the masters and the servants, for many of the masters are not much better than their servants; they frequently treat them very badly, and there is a great deal of a very invidious discretion left to the magistrates in deciding upon such complaints, at the same time that their conduct is very narrowly watched, I mean by the public newspapers. Mr. Walker's suggestion, which he mentioned to me in the course of conversation, and which

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struck me as the best proposition I ever heard upon the subject, was, that a certain scale of allowances should be made legally the property of every convict; that he should have a legal claim upon his master for these allowances; and before any complaint against the convict by the master was heard, the latter should be made to prove to the satisfaction of the magistrate that he had fulfilled his duty to the servant. I believe many of the convict servants are badly treated by their masters; and that generally there is a great deal of ill feeling among the whole body on this account.

1236. Do you think they are not allowed a sufficiency of food?—In some cases during the late severe drought they have been badly treated in that respect.

1237. Then you would fix a minimum of food as a protection to the convict as well as an encouragement in the hands of the master?—Yes.

1238. Is there not a minimum of food now?—Not that I am aware of; I believe there is what is called the government ration, but I am not sure whether that ration is clearly defined; it is generally, I believe, left to the judgment of the magistrates, and I rather think they decide differently in different districts.

1239. And there is no compulsory obligation upon the settler to give his servant what you have stated?—No, the magistrates of course have the power to determine whether the man has sufficient or not; but if there was a line drawn each party would know what they have a right to expect

1240. They would know in short what was indulgence, and what was right?—Just so.

1241. If the magistrate lives at a distance the servant will have a difficulty in getting to him to make his complaint?—Yes, there is a difficulty in that case; but I do not think the evil is so great as might be apprehended, for when a magistrate makes a representation to Government that a servant has been unjustly treated, it is generally ordered that he shall be assigned to another person, and that the master shall have no more convict servants.

1242. What redress has the convict against his master in the interim?—He is returned to the Government employment, or assigned to another master.

1243. How are the Government to know any thing about it?—Generally through the magistrates; the servant applies to the master for a pass to go to the magistrates.

1244. If the master refuses, what is he to do?—If he refuses he does it at his own risk.

1245. But what is the consequence with a view to the probability of detection?—In such cases it is common for the convicts to go without a pass; they know they do so at their own peril, for if they cannot substantiate any good grounds of complaint, they are aware that they are liable to severe punishment; they sometimes also write to the magistrates, or to the principal superintendent of convicts. I have even known instances of their writing to the Colonial Secretary, and these representations of course produce inquiry.

1246. In point of fact the convicts have the remedy in their own hands, for they may strike work, and then the master must seek for redress against them?—Certainly.

1247. Do you not think it would lead to better treatment of the convict by the master if the master were allowed power of corporeal punishment to a certain extent, keeping a record of the punishment so inflicted?—No, I think it would have an injurious effect.

1248. You think that they are not to be trusted with such power?—I think not.

1249. Suppose a record was kept and the master had the power of inflicting twenty lashes, do you think that would not go very far to enable him to dispense with other measures of annoyance, which he has recourse to in consequence of the difficulty in getting to a magistrate?—I think not. I think not one in ten of those to whose service convicts are assigned could with propriety be intrusted with such power. I think for one instance in which it would be fairly or beneficially exercised, it would be abused in twenty others.

1250. Is it not the fact, that according as the law now stands the master has in his hands the great power of annoying his convict servant; that he may make him exceedingly uncomfortable, and make his life disagreeable, without at the same time enforcing from the convict that labour to which he has a fair right; and would it not tend to prevent that if the master were enabled to inflict chastisement, and be forced to record it, and deliver in that record periodically, in the same manner as the masters of slaves in the West Indies deliver in their records to the protector?—No; I think it would be a very unsafe power to trust to the majority. I speak from

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from a knowledge of the character of the settlers. There are not 20 establishments in the colony under such regulation that it would be practicable for the master to inflict punishment.

1251. Might it not lead frequently to the murder of the master?—I think so. When such men are grown desperate there is no calculating to what lengths they will go; but the power of annoyance in the master, or the disposition to employ it, is nothing to the power and the disposition of the convict to annoy the master.

1252. Are those stationed in the interior ever visited by any functionary for the purpose of taxation, or any other object?—None whatever. I suggested to the Governor, between two and three years ago, the beneficial consequences which would result from the appointment of an officer of a similar character to the protector of slaves in the West Indies, and I think a periodical visitation such as is now alluded to could not fail to be beneficial.

1253. Must it not be at very long intervals, the country being so extensive?—I should say it might be done twice a year with great ease.

1254. By one individual?—Yes, by one individual, even three times a year with great ease.

1255. Are you aware such a thing does exist in Norway, which is a country somewhat similarly situated, inasmuch as the population is thinly scattered, and a great distance from each other?—I was not aware of that.

1256. You suggest in your Report, that convicts on their first arrival should invariably be put into road-gangs, is that the most irksome description of labour which they are subject to?—I believe it is so at present, with the exception of the tread-mill, which cannot be employed on an extensive scale; but labour on the roads might be made so, by better management, to a much greater extent. It was the only practicable means that, after all the consideration I could give the subject, occurred to me for making the punishment of transportation in any degree efficient; I mean as a preventive from crime in this country.

1257. Do you mean then to say, that you think that the present system of punishment is not efficient, and is not dreaded by criminals in this country?—I am probably not qualified to speak as regards this country; but from what has come to my knowledge of the feelings of persons transported from this country, I should say not. I have known individuals who have committed crimes to get to New South Wales, and I think I have known of people who have endeavoured to induce their relatives or connexions to commit crimes in order to get them sent out.

1258. To procure them to be transported, in short?—Yes; I have no doubt that communications relative to the desirableness of transportation have been made to persons in England, whose friends had been previously transported.

1259. Do you not think the number of agricultural labourers sent out during last winter will communicate with their friends here, and spread the notion that it is not a severe punishment?—I think it is indubitable. These are precisely the people who will do so; men who are willing and have been accustomed to work, and who have experienced the effects of an insufficiency of food.

1260. Is there not a feeling among the great proportion of them that the circumstances of being removed from England, and from home, is a very great hardship?—I should doubt whether that feeling exists to a great extent; but I form my judgment chiefly upon their distress in this country, and the little hope they have of remedy in it. I think most of them would consider it a great relief. The convicts in the colony are very anxious to have their families and connexions out there.

1261. And a man who conducts himself well is sure to have his family out there after a certain period?—There is a regulation of Government to that effect; at least there is a regulation prescribing the period after which it will be recommended that the family of a convict should be sent to join him, provided he has conducted himself well, and can procure certificates of his ability to maintain his family when they shall reach him.

1262. Such being the case, what would you suggest to give more efficiency to the punishment of transportation?—The suggestion I made was that of a road-gang.

1263. Will you state that?—Immediately on the arrival of convicts, instead of being distributed to settlers, where they all enjoy a degree of comfort more or less, they should be compelled to labour on the roads for a specific period.

1264. How long?—I would not pretend to fix the time; I should say for a period proportionate to the atrocity of the crime for which they were transported, and of course according to the length of their sentence, probably for from 18 months to

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2 years for convicts transported for 7 years; from 2 to 3 years for those for 14 years; and from 3 to 4 years for life-transports.

1265. You stated just now that the punishment of working in a road-gang was hardly severe enough; how would you render it more severe?—If it is not sufficiently severe at present, it is chiefly owing to the defective superintendence. The Governor has been exceedingly restricted in his expenditure, and I think that has led to a good deal of the lax management of the road-gangs alluded to. If the Governor had considered himself authorized to employ more efficient persons in the charge of such establishments, and to have incurred a greater expenditure in order to prevent the escape of the convicts, I am persuaded they would have been conducted much better than they have been.

1266. Is working in the road-gang severer than agricultural labour?—I am not aware that it is severer than some kinds of agricultural labour.

1267. Does the severity of the punishment arise principally from the degree of restraint under which they are placed?—I should say, at present *that* and the remoteness of their situation, by which they are debarred from any indulgence, constitute the principal punishment. But an agricultural labourer has also a *change* of employment. In fact, to use the term agricultural labour with regard to the employment of most of the convicts would be incorrect, as most of them are shepherds or herdsmen, which employment is no labour at all.

1268. Should these men work in irons?—That is a difficult question; I have always considered that it would be extremely desirable if proper persons were intrusted with the discretion that there should be a great degree of discrimination in the treatment of convicts; more ample information respecting the characters of each, if it were possible to procure it in this country, should be sent out, and they should be in some measure treated according to the character of each individual.

1269. Would you establish it as a general principle, that the working in irons should be a part of their punishment in the road-gangs?—I think so, as a general rule; I would certainly be inclined to commence by working them in irons, and relief from the irons might be made the reward of good and orderly conduct.

1270. Would it not also tend to make it more irksome, if instead of having a full ration of animal food, they were fed principally on maize?—Certainly it would make it more irksome, and it would be a very proper mode of making it more irksome, for the maize is exceedingly wholesome, and their objection to it proceeds more from prejudice than from taste, for it is really very palatable if well cooked, as hasty pudding, or what is called ominy; but maize is the food of the pigs in the colony, and that is the cause of the prejudice.

1271. Would it not be more economical?—Certainly it would. I have no doubt that the greater part of it might be raised at the secondary penal settlements of the colony.

1272. Do you consider maize, used in the manner you describe, as a wholesome food?—Yes.

1273. Would it add much to the expenditure of the colony having these men upon the road-gangs longer than at present?—At present, they are not sent to road-gangs at all unless for punishment. I think it would add considerably to the expenditure. I have made some estimates of the additional expenditure that would be required, but I have not probably pointed out with sufficient distinctness the necessity of going to more expense for efficient superintendence and management; for I think that is a necessary part of the arrangement.

1274. Supposing these convicts in the road-gangs to be fed principally, if not wholly, upon maize, would their labour upon the road nearly pay the expense of their keep?—I have on doubt it would be worth more, although it would not be for the interest of the present race of colonists to expend so much of their capital; but when I said maize, I did not mean to exclude animal food. I should say, they ought to have a considerable portion of animal food. I would rather make the punishment more severe by strict superintendence, and preventing the means of escape, than by lessening the quantity of food. Indeed, I would be inclined to say that labour on the roads if efficiently conducted, would be sufficiently severe even with a good ration. I would not be inclined to add to its severity by the quality of the food, excepting perhaps in the case of those who should be sent to the roads for offences committed in the colony.

1375. Is there a great demand for roads in the colony?—No; the colony is well supplied with roads for so young a country. The roads are in general admirable.

Veneris, 5° die Augusti, 1831.

James Busby, Esq. again called in; and further Examined.

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1276. YOU state in your report that the greatest difficulty is to manage what are called the gentlemen convicts?—Yes; or rather to dispose of them in such a way as to make the punishment fall upon them equally and effectually.

1277. Would it not be possible to put them by themselves in a separate road gang, and make them work in that?—The thing would undoubtedly be possible; the question is, whether it would not make transportation a severer punishment to them than it is to convicts who are accustomed to manual labour. But it might be urged that those men sin against greater light, and deserve a severer punishment; and perhaps to be taught to labour would be the most valuable lesson they could acquire.

1278. Might not the period be shortened, to mitigate the severity of it, by limiting the duration?—No doubt it is possible; but after the period of their punishment in the road gang expired, there would then be a difficulty in disposing of them among private settlers.

1279. You think they would not work?—I think they would not be considered valuable servants, scarcely worth their support; they would probably also fall into the hands of persons over whom they would acquire influence, and their situation would be more comfortable than that of labouring men generally.

1280. Is it not a choice of evils; is there any mode by which you could suggest any thing to inflict a punishment not of so temporary a nature?—I think, that looking to the *end* of punishment, the prevention of crime, the idea of these men being worked in a road gang in New South Wales for a short time would be frightful to them.

1281. You state in your report that many of these individuals, after the expiration of their term of imprisonment, have accumulated wealth by superior talents and acquirements, and placed themselves at the head of a party opposed to Government, and regard with hatred every person who has avoided association with them?—That is with reference to what has been, rather than to what is the present state of matters. Undoubtedly many of them are wealthy; the most wealthy individuals of the colony are of that class; I do not think however that their influence as a party, except as joined with persons who have been originally free, is anything now compared with what it once was.

1282. For what reason has it diminished?—There is a greater number of persons of a different class; besides which, the treatment they have received from the present government, and Sir Thomas Brisbane's government, has thrown them into the shade.

1283. Is any portion of the public press in their hands?—All the opposition press is of their party.

1284. They are not edited by any of them?—No; but as far as regards the public press, its conductors are under the influence of those who purchase the greater number of their newspapers; there cannot be the least doubt that the prejudices of this class are flattered by the editors of the papers merely to procure a sale for their papers.

1285. If there was a small establishment to be formed at Wellington Valley, like that which is broken up, would that be a sufficient punishment for such a description of convicts?—I think it might be so conducted as to be so; I do not say they could be employed beneficially; I am persuaded they could not; but looking to it as a punishment, such establishments might be so conducted as to make the punishment very efficient.

1286. Do not you think it might be as efficient at home, without the expense of sending them out?—As efficient, certainly it might be; but I suppose the only means at home is solitary confinement, I am not aware of any place where you could withdraw them from society, without shutting them up within walls.

1287. Do you think if the persons of this description were employed in a government gang, of a nature mentioned at the beginning of the examination, that there would be such an outcry raised in the colony as would compel the authorities to mitigate their punishment?—There is a constant outcry, even under present circumstances.

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I have not the least doubt these men would be continually making false representations; but the only mode of curing the evil is by a more efficient management, the employment of more responsible persons, and an entire confidence on the part of government that those persons would do their duty, I mean the local government.

1288. You think that the government might, without any great risk of the peace of the colony, enforce a punishment of the description that has been alluded to?—I do not think there is any risk or danger to the safety of the colony generally, but the evil operates by exciting those men to insubordination; they break out as bush-rangers, in consequence of being led to consider themselves as oppressively and unjustly treated; they take to the roads and rob travellers; they sometimes even make a selection in the people they attack. If they find a man who is in the habit of treating his convicts well, they frequently allow such a one to pass without injury, and they treat those roughly who have the character of behaving ill to their servants.

1289. Is there any of that class of gentlemen convicts to be found among the bush-rangers?—Not generally; my meaning was, that the outcry these gentlemen convicts would make would influence the whole; as undoubtedly there would be more representations if they were treated in the way proposed. It would be incredible to any person who had not lived for the two last years in New South Wales the mischief that has actually been occasioned by the unrestrained publication of the statements of these people.

1290. A great advantage would arise from having these gentlemen convicts removed from Sydney, and placed 200 miles up the country, where the communication is cut off?—I believe it would be impossible to cut off all communication.

1291. Are they always convicts transported for life, the gentlemen convicts?—I believe not. I am not prepared to state exactly what are the proportions for one part and another, some are for seven, some for fourteen, and some for life.

1292. Would it be possible to have an establishment so situated as to prevent the communication between the convicts at that establishment with the other persons in the colony?—I think not; I think the necessary communication that must be kept up with that establishment would afford the means, in spite of the utmost vigilance, of communications being received from the convicts and conveyed to them. Within the last three years a number of convicts were confined at the penal settlement of Port Macquarrie, the communication with which was by sea, and which no person was allowed to visit without special authority, and yet at one period scarcely a newspaper was published (an opposition newspaper) without some representation conveyed from Port Macquarrie. There was a continual change of persons employed there, and those who were dismissed generally came up with a budget of stories, some having a slight foundation in truth, some without any; these will always afford means of communication.

1293. Do you think it is quite out of the question to hope for any benefit from the employment of this class of persons, as regards the colony itself?—Certainly.

1294. Do you think that the transfer of these persons to the colony is attended with positive detriment to the colony?—I certainly think so.

1295. In the event of its being found necessary still to continue the transportation of these individuals to New South Wales, do you not imagine that a certain period of punishment in the road gang, followed by deportation to an isolated establishment, would have the effect of preventing crime?—Certainly.

1296. Are bush-rangers numerous in the colony?—Within the last 12 months or two years they have been extremely numerous; 12 months ago, or even later, it was scarcely possible to travel 100 miles on the road without being stopped; there was scarcely a newspaper in which there were not two or three instances of persons of every rank being stopped. It was quite an unusual thing at one time for a gentleman to be stopped on the road; till within the last three or four years, a gentleman might have travelled at any time of the day or night in perfect safety; but of late there has been a regular system of highway robbery.

1297. Is it still existing?—They had recourse to very severe measures to put a stop to it. The local legislature passed acts for this purpose, which did away with every thing like the appearance of personal liberty. One act empowered magistrates to issue a general warrant, authorizing constables to enter or break into any house within his (the magistrate's) district or county by day or night, at their own discretion;

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cretion; and to seize any persons they might suspect to be highway robbers or burglars. Or any individual in the colony, without any warrant or authority, may take another into custody on the mere suspicion that he is a convict illegally at large; if it appear to the magistrate that he had just or probable cause for suspicion, he is justified in doing so. The onus of proving that he is not a convict illegally at large is thrown upon the suspected person, and if that is not established to the satisfaction of the magistrate, he is liable to be retained in custody, or sent to Sydney to be examined and dealt with.

1298. Notwithstanding these regulations the bush-rangers have on the whole increased in number?—No; I think this measure, enforced by a considerable addition to the mounted police, was the finishing stroke to the bush-rangers; I merely mention what measures it was necessary to have recourse to in order to put a stop to bush-ranging.

1299. When you had left the colony, bush-ranging had been suppressed to a great degree?—Almost entirely.

1300. Were these very severe measures objected to in the colony?—Not in the slightest degree.

1301. The grievance was felt to be so great that every inhabitant submitted willingly to this severe restriction?—Complaints were made that severe measures were not sooner resorted to.

1302. A great portion of these bush-rangers consist of persons who were originally convicted under the game laws; do you observe a distinction between the persons?—I have not had means myself of making such a distinction; I do not know that any person has made an observation to that effect.

1303. Have you any conception what had been the number of bush-rangers in the colony previous to the introduction of these regulations?—Bush-ranging was not common till within the last two years; at least highway robbery and house-breaking committed by bush-rangers; I think a good deal of it arises from scanty provisions. Many of the masters did not treat their servants well. I made two or three memoranda on this subject which I proposed to give previous to the commencement of this day's examination.

1304. You state that a convict for seven years is allowed the privilege of a ticket of leave at the end of four, for fourteen after six years, and a convict for life after eight years; do you not think it might be advisable to extend the period of servitude before granting these tickets of leave?—I think not; I think it is as judiciously regulated as possible. There frequently I believe arises cases of injustice; masters, from a bad feeling, or from interested motives, throw impediments in the way of a servant getting his ticket of leave when he is really entitled to it. That is one of the cases which I think such an officer as a protector of convicts is much wanted to investigate.

1305. Have you anything further to state as to convict labourers generally?—Yes; this is in addition to what I formerly stated in regard to the treatment of convicts in the service of private individuals:

[*The Witness delivered in the following Paper:*]

"In replying to the question, What was the usual rate of ration given to the convicts by settlers? I answered, perhaps too generally, that from 7 to 10 pounds of animal food, and a peck of wheat, was the usual ration, and that they had generally as much milk as they chose to consume. As this is rather an important point, I should wish to be more minute in my evidence. A peck of wheat is certainly the general allowance in ordinary seasons, and in districts where the crop has proved plentiful; and I think this is much more likely to be the usual ration in future than it has been for the last three or four years. Unless wheat is very scarce, few masters will give their men maize, from the very general dislike the men have to that species of food. At the same time it is necessary to observe, that for the three years preceding 1830, the scarcity of wheat, and indeed of grain of every description, was so great, that few settlers could afford to give their men a ration altogether of wheat; and many of them, under the authority of a Government order, reduced the proportion of grain, and increased that of meat. It cannot be doubted also, that in many cases the men were unfairly treated by their masters during the scarcity. In one instance the servants of a settler in the neighbourhood

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of Bathurst came in a body to complain of the quantity and quality of the food offered them, and I believe a representation of the circumstances of this case was transmitted to the Governor by the magistrates; I am not acquainted with the particulars stated, or the result of the representation.

"It is altogether a very difficult subject to deal with; but much might, notwithstanding, be done to insure better treatment to the convicts, and to give a more efficient control to the master. From all I have been able to hear, I can entertain no doubt that the rising among the convicts at Bathurst in October last year, which at one time threatened such serious consequences, was, at least to a certain extent, caused by the unjust treatment of their convict servants by persons who were unable to provide them sufficient food, and who were unwilling to return them to Government, owing to the difficulty they would find in procuring more servants when the approaching harvest should make their labours indispensable to the safety of the crop, and at the same time furnish abundant means for their support. On the other hand, I have known many instances in which the convicts have without murmuring submitted to inferior food, when they consider themselves justly treated by their masters. On visiting my own establishment at Hunter's River in September last year, I found that many of my neighbours had given their servants no other grain than maize during the greater part of the season. In particular, I would mention an instance of a neighbouring magistrate whom I found superintending the washing of his sheep in rather cold weather: he told me, that owing to the scabby state of his flocks, he was desirous of having them shorn as soon as possible; that he had sent to the next village for a quantity of spirits for his men, but had failed in procuring it; that he had left it to the men themselves to decide whether they could bear the coldness of the water with no other stimulant than hot tea, which he would have prepared upon the spot, and they with the greatest alacrity undertook the task; I found 13 of them up to the middle in water, and yet these men had not, during the preceding nine months, received any other bread than that of maize. I mention this as an instance how far just and considerate treatment will go, in producing a good feeling between the settler and his convict servants; and although the usual disposition of convict servants towards their masters is very different, and many of them would behave ill under any circumstances, still if they were all treated with justice and a little forbearance, I am persuaded one half of the bush-ranging and crime would not exist. As connected with the discipline of convicts in the service of individuals (a subject which I have scarcely adverted to in the paper on the treatment of convicts which I submitted to the Secretary of State), I will, with the permission of the Committee, take this opportunity to observe, that if an old regulation of Governor Macquarrie's should be revised and again brought into force, fixing the quantity of particular kinds of labour which a convict might be compelled under the penalty of punishment to perform, it would afford the master a very powerful control over his servant. The quantity fixed should be such as it would require the hard labour of a healthy man to perform; and whenever the master might be dissatisfied with the general conduct of his men, he could thus assign them a task which they would find much more severe than the work usually required of them, and which they could not neglect without incurring certain punishment: this would afford a much more efficient control than the interference of a magistrate, in cases of neglect of work, insubordination, and other subjects of complaint of a similar nature; and if such a regulation were adopted, in addition to what I formerly stated respecting the expediency of fixing a *minimum* allowance of food and clothing which a convict would have a right to demand from his master, and the adoption of Mr. Walker's most valuable suggestion, that a printed statement of this *minimum* should be hung up in every court room; and that before hearing any complaint from a master of misconduct on the part of his convict servant, that magistrate should first be requested to satisfy himself that the servant had received what he was entitled to demand; there would, I think, be little room for improvement by way of regulation in the discipline and treatment of convicts in the service of individuals. There would still, however, be ample room for the employment of a protector of convicts, as well in the guardianship of this class as of the convicts employed upon the roads, who in some cases, even during the last year, were most shamefully treated in the quality of the food supplied by contractors, although every article is contracted for of the first quality. But every thing would depend upon the qualifications of the person employed for such a duty: if not exercised by a person inaccessible to every influence but what should arise from a religious sense of duty, and at the same time possessing the soundest judgment and

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and an extensive knowledge of the colony, the office of protector or guardian of convicts would undoubtedly prove a source of more mischief than it would prevent. When I formerly stated that such an officer could visit all the situations where convicts are employed throughout the colony twice or thrice a year, I did not advert to the distant settlements of Norfolk Island and Moreton Bay: on further consideration I have no hesitation in saying, that excluding those settlements, the condition of all the convicts in the colony could be effectually inquired into by one person twice a year.

"With regard to the proportion of convicts who have not been accustomed to manual labour to the whole, I beg to take this opportunity of stating, that on further reflection I am persuaded the proportion cannot be greater than one in 20, instead of one in 10, as I formerly stated."

1306. Do you think it would be easy to establish a registry of convicts, or an inspection of convicts periodically?—I think it is perfectly practicable; there is a registry in fact at present kept by the principal superintendent of convicts, but there is no inspection of those in the service of individuals.

1307. There is no statement; if a convict leaves the service of one individual to go to another is it known at head-quarters?—It is all recorded, at least it is understood to be so; I do not say it is so in every instance. There is a regulation which provides that it shall be done, and in fact it requires the authority of the Governor to effect a tranfer.

1308. Is any obituary kept; is there any statement of death given?—Yes, certainly; I believe there is a great deal of neglect in reporting deaths as well as escapes and other casualties; the fact is, that in New South Wales some of the most important offices have always been underhanded; they have not been able to get through the business of the establishments, the Governor has been obliged to cut down instead of affording the necessary assistance; for that reason I think that the registry has not been sufficiently well kept. The officer, whose duty it is to see that proper returns are made, although a most efficient officer, was unable ever to overtake the duty, or rather to enforce the duty of those who should report to him.

1309. Do you not think that if the system of transportation to New South Wales is to be continued, a very large increase of the civil establishment in every department of Government will become absolutely necessary?—Certainly not in every department. In the estimates I have formed, I have included a very considerable addition to the expense of managing convicts. On the roads, particularly, they would be required to be looked after more strictly than they have been; I attribute most of the mischief on the roads to the want of proper superintendence.

1310. Is there any regulation by which a settler is compelled to give any returns of the casualties that occur to convicts under his charge?—I cannot at present recollect any particular order, but the general understanding is, that any person who neglects these things will not get convicts assigned to him.

1311. Would it not be an improvement if there were a positive regulation that every settler should be required periodically to give in a statement of the number of convicts under his charge, and also a statement of any casualty that might have occurred, such as death, &c.?—I think it would, if there were such an officer as was alluded to when I was formerly examined, a protector of the convicts, to check the returns, otherwise they would be made as a mere matter of course, and you could not depend upon their results without a severe check.

1312. By a personal inspection?—Yes.

1313. If you establish a personal inspection and a periodical visitation, or a visitation at his own discretion at uncertain periods, would not that operate as a powerful check against fraudulent returns being made?—It would be effectual.

1314. You have stated that you would establish a maximum portion of labour for a convict with which it at all times would be lawful to punish him, but more excessive than could in ordinary cases be insisted upon, except as a mode of punishment, to be retained by the master in his own hands; do you not think that such a regulation would have a very arbitrary effect, and in many instances be abused, by masters exacting an undue share of labour from their servants, and would it not invest the master with too great power over them?—No; it would only be applied to such kinds of labour as could be exactly measured.

1315. But in this case?—I do not think it would be attended with any hardship.

1316. You would leave the power of punishment in the hands of the master, for

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which he is not responsible?—I do not think it is a punishment to enforce the labour of a servant.

1317. Would the maximum that you would establish exceed that of a hard day's labour in this country?—Certainly not; it would fall short of it. I allude to a maximum, or rather the stated quantity, fixed in Governor Macquarrie's time, when they did regulate their labour by task-work.

1318. Labour to be measured?—Yes.

1319. That can easily be done?—It only applies to particular kinds of labour which are nearly the same under all circumstances, for no individuals would find it for their own interest to employ the men at this labour continually.

1320. What kind of labour do you allude to?—Breaking up land with the hoe instead of ploughing it, for instance; many settlers do that; and another is, felling forest timber, and burning it. For these there are stated quantities prescribed as a fair day's work for a man.

1321. Could there really be any maximum, except that of time, to say that a man shall work for a certain number of hours?—The general character of the country is so much alike, there is no difficulty found in fixing a task. Labour was all regulated by task-work in the early period of the colony, and when Government had clearing gangs six years ago, they gave the men a certain regulated portion to fell or burn off.

1322. Was it found perfectly practicable to establish this maximum, and to keep to it, under General Macquarrie's regulation?—Yes, and under Governor Brisbane's also.

1323. Why has it been abolished?—The Government had no labourers they could put to task-work. In Sir Thomas Brisbane's time there was a number of convicts on the hands of Government whom they could not dispose of; they sent them to particular estates, the owners of these estates undertaking to pay so much per acre for clearing the land, and the general superintendent of the whole required each overseer to show so much work done by his men. Indeed, there can be no difficulty in the case; every person who has lived in the country two years is aware of the nature of the labour.

1324. Was the maximum fixed by the number of persons employed, or was the maximum applied to each individual employed?—Each individual had his task from the overseer; but it conveys rather an incorrect idea to call it a maximum at all, it is merely a regulated task, which was in fact established by the general orders of the colony in Governor Macquarrie's time. It was usual, I believe, to allow the men so much tea and sugar for any thing they accomplished above their task, and they frequently earned a considerable quantity; at all events the accomplishment of their task was requisite to their obtaining the tea and sugar; and I believe they seldom or ever failed to obtain it. The overseer was also paid in proportion to the work performed, and of course kept them to it.

1325. Were the orders you allude to published?—Yes, in the old almanacks; they are difficult to be got at now.

1326. That they should be required to work by task-work, and do the quantity of work?—Yes; I have already stated that at an average the agricultural labourers, and labourers of every description in New South Wales, do not do half the work performed of a similar kind by labourers in England. I think it would be greatly to the advantage of the colony if task-work could be adopted in all cases, for the convicts generally are much under-worked; even the task-work is on the average below what the working people of this country perform when employed by the piece.

1327. Would you explain why so much less labour is done by labourers convicts there than in England; is it owing to the climate?—It is partly owing to the climate, but chiefly to their having nothing to gain by labouring harder, and nothing to lose by doing as little as they can.

1328. You state that the additional expense incurred by employing every convict, in the first instance on his arrival in New South Wales, in the road gang, would amount to from 40,000*l.* to 50,000*l.* per annum; if instead of employing convicts for eighteen months or two years in the road gang, they were subjected to two or three years imprisonment on the hulks, in this country, and then were only sent for two or three months to the road gang, to show what was the nature of the punishment they might be exposed to in case of misconduct; do you not think the punishment acting *in terrorem* would be equal to what you propose?—I do not know

know what idea is entertained with respect to the hulks, but a short period upon the roads would be reckoned upon as trifling, from being soon got over.

1329. But under any circumstances would it not be advisable, even supposing a convict submitted to part of his punishment in this country, that he should be put on the road gang for a longer or shorter period, if it were only to show him the punishment to which he would be exposed in the case of misconduct?—I think it would be of great advantage to the convicts themselves.

[*The Witness delivered in the following Paper:*]

IN Mr. Bigge's Report, p. 62, the clothing of the convicts is estimated as follows:

	£.	s.	d.
Two suits of slop clothing, made in the colony, including four pair of shoes and two caps, also made in the colony	3	2	–
Cost of two shirts, not included in the calculation	–	12	–
Bed and bedding, consisting of two rugs	2	15	–
Total Clothing	6	9	–
In the same Report, p. 66, the cost of the ration in September 1820, is stated at	16	–	8
Making the Total Maintenance	£. 22	9	8

In the year 1830, the cost of clothing a male convict is estimated as follows:

	£.	s.	d.
Six yards of woollen cloth manufactured and made into slops by the women of the female factory, forms one suit *; on 12 yards at the market price of 1 *s.* 6 *d.*	–	18	–
Six yards of materials for two shirts, sent from England and made up in the factory	–	5	
Three pairs of shoes made in the convicts barracks, at 4 *s.*	–	12	–
Wear of bedding, which is not provided for the individual, but remains in the barracks and huts. The blankets are to be made this year at the factory	–	10	–
There is no allowance for hats.	2	5	–

	£.	s.	d.
Total Expense of clothing a Male Convict in New South Wales in 1831	2	5	–

Food:

	£.	s.	d.			
365 lbs. of beef supplied at from three farthings to three halfpence per pound, except in two or three instances, where small remote parties are rationed at a higher expense; the average of the whole is under 1 *d.*	1	10	5			
365 lbs of wheaten bread, average 1 ½ *d.*, (or the value of the wheaten meal composing it)	2	5	10½			
182½ lbs. maize bread, at 1 ¼ *d.*, (or the value of the maize meal composing it)	–	19	–			
Total Food				4	15	3½
Total Cost of maintaining a Convict in 1831				£. 7	–	3½

1330. You lived at Sydney yourself?—I lived upwards of four years there; I have occasionally however been in the country, and I had at one time the management of a lot of convict labourers for about two years and a half, when in charge of the Orphan School Estates.

1331. Do

* The summer clothing is of duck, which costs 50 per cent less.

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1331. Do you consider the conduct of the convicts as labourers is as good as that of free labourers?—I think their general conduct, apart from the way they work, is better than the free labourers we have there, for they are under more restraint.

1332. You have a bad description of free labourers?—Yes, they are convicts who have become free.

1333. A well-conducted man who goes out as a labourer, is in a very short time enabled to set up for himself?—If he is at all industrious, lives abstemiously, and be frugal in every respect, it is possible for him to earn as much in one day as he could live on for a week.

1334. Is the number of free labourers who go out of this country voluntarily comparatively very small?—I have scarcely known an instance of it; they come out probably in the service of other persons; I never recollect an instance of a person in the situation of a labourer who came out at his own expense.

1335. What measures are taken as to the education of children born in the colony?—Very ample provision is made for that; there are schools in almost every district; wherever there are a few families together, they endeavour to provide a schoolmaster of some sort or other.

1336. At their own expense?—Not altogether; partly by the Government and partly by themselves. The ecclesiastical establishment is charged with that; and in fact it has been by the exertions of the late and present archdeacons, that so many schools have been established, rather than by any desire on the part of the inhabitants of distant places, who are often very indifferent upon the subject.

1337. Is it an easy thing for labourers to go to a place of worship on Sunday?—There are a number of clergymen in the colony, and they perform service at various places; it is generally understood that persons who have convicts in their service, ought to cause their attendance, if they are within three or four miles of the place where service is performed; in all these matters there is a want of efficiency in enforcing the regulations; the regulations are perhaps as good as possible, but the Government have not the means of enforcing them properly.

1338. Are there not places of worship within four or five miles?—In many districts there are, but not every place; the people are scattered over an extent of many hundred miles. Where there are children at all, there is generally a number of people residing within a few miles of each other. It is only at the out-stations of the settlers, where none but working people are sent, that they have not the means of attending schools and Divine Service.

1339. Is it a matter of frequent occurrence that convicts, having wives and families at home in this country, re-marry, and have fresh families after their emancipation in New South Wales?—There have been occurrences of the kind; but I doubt their frequency. Under the present regulations it would be very difficult for them to accomplish this, although attempts are frequently made.

1340. Do they frequently marry?—The convicts themselves frequently marry, even while convicts, especially the females. If with consent of their masters, and they can satisfy government that their children shall not be a burden, there is every facility given to that.

1341. As to the female convicts, does anything occur to you that you can add upon that subject?—No; I have not had such opportunities of forming a judgment as in the case of male convicts. I visited the female factory previously to leaving the colony, and I think it is almost impossible for an establishment of that nature to be conducted on better principles, or to be better managed in detail.

1342. You think nothing more severe is necessary, or practicable, as to the discipline of female convicts?—If there could be a severer punishment for some of them it would be very desirable; I do not know how it can be carried into effect. I believe they sometimes make them break stones with hammers within the walls of the factory, and they sometimes punish them by sending them to penal settlements.

1343. You do not know what is the proportion of female convicts?—I have stated that from a published document.

[*The Witness delivered in the following document, from which his estimate of the present cost of the food of the convicts was formed*:]

COMMISSARIAT DEPARTMENT.

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THE following are the tenders that have been accepted by the Government for the service of the year commencing on the 25th of December 1830, and terminating on the 24th December 1831.

Fixed Establishments.

At Sydney:—Wheaten bread for His Majesty's troops and ships of war, transports and colonial vessels, at 1 $\frac{5}{10}$ *d.* per lb.—William Klensendorlffe.

Wheaten bread for Hyde Park and Carter's Barracks, Grose Farm and Longbottom, prisoners out of barracks, gaol, and Phœnix hulk, at 1 $\frac{2}{10}$ *d.*—William Klensendorlffe.

Wheaten bread for the hospitals, at 1 *d.* 55 *cents.* per lb.—William Hall.

Maize bread for Hyde Park and Carter's Barracks, Grose Farm and Longbottom, prisoners out of barracks, gaol, and Phœnix hulk, at 1 $\frac{1}{10}$ *d.* per lb.—William Klensendorlffe.

Fresh Beef for His Majesty's troops and ships of war, transport ships and colonial vessels, hospitals, Grose Farm and Longbottom, at $\frac{3}{4}$ *d.* per lb.—Henry Brooks.

Fresh beef for the gaol, Hyde Park and Carter's Barracks, and Phœnix hulk, at $\frac{7}{10}$ *d.*—John Jobbins.

Fresh beef for prisoners out of barracks, at $\frac{3}{4}$ *d.* per lb.—John Jobbins.

Fresh mutton for the troops, at 1 *d.* 74 *cents* per lb.—Henry Brooks.

Fresh mutton for the hospitals, at 1 $\frac{1}{2}$ *d.* per lb.—John Shipman.

Vegetables for His Majesty's troops and ships of war, at $\frac{5}{4}$ *d.* per lb.—William Welch.

Vegetables for the hospitals, colonial vessels and transports, gaol, and Phœnix hulk, at $\frac{1}{2}$ *d.* per lb.—James Douglas.

Milk for the hospitals, at 2 *d.* per quart.—John Farrell.

At Parramatta:—Wheaten bread for the troops and hospitals, at 1 $\frac{1}{2}$ *d.* per lb.—John Gilbert.

Wheaten bread for the gaol, at 1 $\frac{1}{4}$ *d.* per lb.—John Gilbert.

Wheaten bread for prisoners in and out of barracks, and female factory, at 1 $\frac{1}{4}$ *d.* per lb.—Nicholas Cavillon.

Maize bread for the gaol, prisoners in and out of barracks, and female factory, at 1 *d.* per lb.—N. Cavillon.

Fresh mutton for the troops and hospitals, at 1 $\frac{7}{10}$ *d.* per lb.—Humphrey Hhorn.

Vegetables for the hospital, gaol, and female factory, at 48 *cents* for 1 *d.* per lb.—William Ellis.

Milk for the hospital and female factory, at 1 $\frac{7}{10}$ *d.* per quart.—George Shelly.

At Liverpool:—Wheaten bread for the troops, hospital, and lunatic asylum, at 2 $\frac{3}{8}$ *d.* per lb.—F. E. Forbes.

Wheaten bread for prisoners in and out of barracks, at 2 $\frac{1}{4}$ *d.* per lb.—William Klensendorlffe.

Maize bread for the gaol, prisoners in and out of barracks, at 1 $\frac{1}{2}$ *d.* per lb.—F. E. Forbes.

Fresh mutton for the troops, hospital, and lunatic asylum, at 1 $\frac{3}{4}$ *d.* per lb.—F. E. Forbes.

Vegetables for the hospital, gaol, and lunatic asylum, at 48 *cents* of a penny per lb.—William Ellis.

Milk for the hospital and lunatic asylum, at 1 $\frac{1}{4}$ *d.* per quart.—E. Buckley.

At Windsor:—Wheaten bread for the troops, at 1 $\frac{1}{2}$ *d.* per lb.—John Teale.

Wheaten bread for prisoners in and out of barracks, at 1 $\frac{7}{10}$ *d.* per lb.—John Teale.

Ditto - - for the hospital, at 1 $\frac{3}{4}$ *d.* per lb.—John Teale.

Maize bread for the prisoners in and out of barracks, at 1 $\frac{1}{4}$ *d.* per lb.—John Teale.

Fresh mutton for the troops and hospitals, at 1 $\frac{3}{8}$ *d.* per lb.—James Hale.

Vegetables for the gaol and hospital, at $\frac{1}{2}$ *d.* per lb.—J. M'Grath.

Milk for the hospital, at 1 *d.* per quart.—C. S. Marsden.

At Bathurst:—Wheaten bread for the troops, hospital, gaol, and prisoners in and out of barracks, at 1 $\frac{1}{2}$ per lb.—John Mathewman.

Maize bread for the gaol, and prisoners in and out of barracks, at 1 $\frac{1}{2}$ *d.* per lb.—Thomas Hawkins.

At Newcastle:—Wheaten bread for the troops, at 2 $\frac{1}{4}$ *d.* per lb.; hospital, at 2 $\frac{1}{2}$ *d.* per lb.; gaol, and prisoners in and out of barracks, at 2 *d.* per lb.—George Furber.

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Maize bread for the gaol, and prisoners in and out of barracks, at 1 *d.* per lb.—George Furber.

Fresh beef for the troops, hospital, gaol, and prisoners out of barracks, at 1 *d.* per lb.; and prisoners barracks, at $\frac{3}{4}$ *d.* per lb.—Edward Sparke.

Fresh mutton for the troops and hospital, at 1 $\frac{1}{2}$ *d.* per lb.—Edward Sparke.

Vegetables for the gaol and hospital, at 1 $\frac{1}{4}$ *d.* per lb.—John Thomas.

Milk for the hospital, at 2 $\frac{3}{16}$ *d.* per quart.—Edward Priest.

At Campbell Town:—Wheaten bread for the gaol, at 2 *d.* per lb.—Robert Lack.

Maize bread for the gaol, at 1 $\frac{1}{8}$ *d.* per lb.—Robert Lack.

Fresh beef for the gaol, at 1 $\frac{1}{8}$ *d.* per lb.—Robert Lack.

Detachments of Troops and Mounted Police.

At Campbell Town:—Robert Lack.—Fresh and salt beef, at 1 $\frac{1}{4}$ *d.* per lb.; flour, at 1 $\frac{5}{8}$ *d.* per lb.; maize, $\frac{7}{8}$ *d.* per lb.; bran, $\frac{3}{4}$ *d.* per lb.; oaten hay, $\frac{5}{8}$ *d.* per lb.; straw, $\frac{1}{4}$ *d.* per lb.

At Camden:—James Atkinson.—Fresh beef, 1 *d.* per lb.; salt beef, 1 $\frac{1}{4}$ *d.* per lb; pork, 4 *d.* per lb.; flour, 1 $\frac{3}{4}$ *d.* per lb.; maize, barley or oats, 1 *d.* per lb.; bran, $\frac{3}{4}$ *d.* per lb.; hay, 1 *d.* per lb.; straw, $\frac{1}{2}$ *d.* per lb.

At Illawarra:—C. O'Brien.—Fresh beef, 2 *d.* per lb.; salt beef, 2 $\frac{3}{4}$ *d.* per lb.; flour, 3 *d.* per lb.; maize, 1 *d.* per lb.; bran, $\frac{3}{4}$ *d.* per lb.; hay, 5 *l.* per ton; barley, 1 *d.* per lb.; straw, gratis.

At Goulburn Plains:—William Bradley.—Fresh and salt beef, 1 $\frac{1}{4}$ *d.* per lb.; flour, 1 $\frac{1}{2}$ *d.* per lb.; maize, 1 *d.* per lb.; bran, $\frac{1}{2}$ *d.* per lb.; oaten hay, $\frac{1}{2}$ *d.* per lb.; straw, $\frac{1}{8}$ *d.* per lb.

Cox's and Fish River:—James Whalan.—Fresh and salt beef and mutton, at 1 *d.* per lb.; flour, 1 $\frac{3}{4}$ *d.* per lb.

Weatherboard Hut and Springwood.—John Machenry.—Fresh and salt beef, and flour, at 3 *d.* per lb.

Mount Victoria:—Fitzgerald and Single.—Fresh and salt beef and mutton, at 1 $\frac{3}{4}$ *d.* per lb.; flour, 3 *d.* per lb.

Lower Portland Head:—Solomon Wiseman.—Fresh and salt beef, 3 *d.* per lb.; flour, 3 $\frac{1}{2}$ *d.* per lb.; maize, 3 $\frac{1}{4}$ *d.* per lb.; hay, 1 *d.* per lb.; straw, $\frac{1}{2}$ *d.* per lb.

Maitland:—John Smith.—Fresh and salt beef, 2 $\frac{1}{2}$ *d.* per lb.; flour, 2 *d.* per lb.; the ration of forage, 1 *s.* 1 *d.* per diem.

Upper Hunter:—James Glennie.—Fresh and salt beef, 3 $\frac{1}{2}$ *d.* per lb.; flour, 3 $\frac{1}{4}$ *d.* per lb.; maize, barley or oats, 1 $\frac{3}{4}$ *d.* per lb.; bran, 1 $\frac{1}{4}$ *d.* per lb.; hay, 1 *d.* per lb.; straw, $\frac{1}{2}$ *d.* per lb.

Road Parties.

Sydney District:—John Macdonald.—Fresh and salt beef at 1 *d.* per lb; wheaten meal at 1 $\frac{1}{2}$ *d.* per lb.; maize meal at 1 $\frac{5}{16}$ *d.* per lb.; salt, $\frac{3}{4}$ *d.* per lb.; maize for cattle, 2 *s.* per bushel.

Parramatta, South District:—John Gilbert.—Fresh and salt beef at 1 $\frac{5}{16}$ *d.* per lb.; wheaten meal. 1 $\frac{3}{8}$ *d.* per lb.; maize meal at 1 $\frac{5}{16}$ *d.* per lb.; salt, $\frac{1}{2}$ *d.* per lb.

Parramatta, North District:—Humphrey Thorn.—Same prices as preceding.

Windsor District:—James Hale.—Fresh and salt beef, maize meal, salt, and maize for working cattle, at 1 *d.* per lb.; wheaten meal, 1 $\frac{1}{4}$ *d.* per lb.

Liverpool District:—Thomas Rose.—Fresh and salt beef at 1 $\frac{1}{2}$ *d.* per lb.; wheaten meal at 2 *d.* per lb.; maize meal, 1 *d.* per lb.; salt, $\frac{3}{4}$ *d.* per lb.

Evan District:—John Machenry.—Fresh and salt beef at 1 *d.* per lb.; wheaten meal, 1 $\frac{1}{2}$ *d.* per lb.; maize meal, 1 *d.* per lb.; maize for cattle, 2 *s.* per bushel.

Mountain District:—Fitzgerald and Single.—Fresh and salt beef at 1 *d.* per lb.; wheaten meal, 2 *d.* per lb.; maize meal, 1 $\frac{1}{2}$ *d.*

Bathurst District:—Hawkins and Cox.—Fresh and salt beef at 1 $\frac{1}{4}$ *d.* per lb.; wheaten meal at 2 *d.* per lb.; maize meal, 1 *d.* per lb.; maize for cattle, $\frac{3}{4}$ *d.* per lb.

St. Vincent's District:—William Bradley.—Fresh and salt beef at 1 $\frac{3}{4}$ *d.* per lb.; wheaten meal at 1 $\frac{1}{4}$ *d.* per lb.; maize meal at 1 $\frac{1}{4}$ *d.* per lb.; salt, 1 *d.* per lb; maize for cattle, $\frac{3}{4}$ *d.* per lb.

Myrtle Creek District:—J. Coghill.—Fresh and salt beef at 1 $\frac{1}{2}$ *d.* per lb.; wheaten meal, 2 *d.* per lb.; maize meal, 1 *d.* per lb. salt, $\frac{3}{4}$ *d.* per lb.

Lower Hawkesbury District:—Solomon Wiseman.—Fresh and salt beef, 3 *d.* per lb.; wheaten meal, 3 *d.* per lb.; maize meal, 1 $\frac{1}{4}$ *d.* per lb.; salt, 1 $\frac{1}{4}$ *d.* per lb.

Hunter's

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Hunter's River District :—Mr. Winder.—Fresh or salt beef at 2*d.* per lb.; wheaten meal at 3*d.* per lb.; maize meal at 1½*d.* per lb.

Illawarra District :—Cornelius O'Brien.—Fresh beef at 2*d.* per lb.; salt beef at 2¾*d.* per lb.; wheaten meal, 3*d.* per lb.; maize meal, 1*d.* per lb.; salt, gratis.

Surveying Parties.

St. Vincent's District :—Robert Futter.—Fresh beef at 1⅜*d.* per lb.; salt beef at 1⅞*d.* per lb.; salt pork at 3*d.* per lb.; wheaten meal at 1⅞*d.* per lb.; maize meal at 1*d.* per lb.; salt, 1*d.* per lb.; maize for cattle, 1*d.* per lb.

Myrtle Creek District :—James Atkinson.—Fresh beef at 1*d.* per lb., salt beef at 1¼*d.* per lb.; salt pork, 4*d.* per lb.; wheat meal, 1¾*d.* per lb.; maize meal, 1¼*d.* per lb.; salt, 1*d.* per lb.; maize for cattle, 1*d.* per lb.

Illawarra District :—C. O'Brien.—Fresh beef, 2*d.* per lb.; salt beef, 2¼*d.* per lb.; salt pork, 5*d.* per lb.; wheaten meal, 3*d.* per lb.; maize meal, 1*d.* per lb.; salt, gratis.

Lake George :—William Bradley.—Fresh and salt beef, 1¼*d.* per lb.; salt pork, 2*d.* per lb.; wheaten meal, 1½*d.* per lb.; maize meal, 1*d.* per lb.; salt, 1*d.* per lb.; maize for cattle, ¾*d.* per lb.

Bathurst :—John Brown.—Fresh and salt beef, 2*d.* per lb.; wheaten flour, 2¼*d.* per lb.; maize meal, 2*d.* per lb.; salt, 1½*d.* per lb.

Mountain District :—Fitzgerald and Single.—Fresh and salt beef, 1¼*d.* per lb.; wheaten meal, 2*d.* per lb.

Lower Hawkesbury District :—Solomon Wiseman.—Fresh and salt beef, at 2¼*d.* per lb.; wheaten meal, 3½*d.* per lb.; maize meal, 2*d.* per lb.; salt, 1*d.* per lb.; maize for cattle, 1¼*d.* per lb.

Maitland :—John Smith.—Fresh and salt beef, and wheaten meal, at 3*d.* per lb.; maize meal, 2¼*d.* per lb.

Upper Hunter :—James Glennie.—Fresh and salt beef, at 3*d.* per lb.; wheat meal, at 3*d.* per lb.; maize meal at 2¼*d.* per lb.

Sundries, at Sydney.

Arrow Root :—Robert Campbell, jun. & Co.—6*d.* per lb.
Sugar :—Robert Campbell, jun. & Co.—21*l.* per ton.
Rice :—Robert Campbell, jun. & Co.—2½*d.* per lb.
Tea :—George Burn.—1*s.* 1¾*d.* per lb.
Bran :—Thomas Baker.—½*d.* per lb.
Salt :—John Blaxland.—3*l.* per ton.
Sperm Oil :—William Walker & Co.—5*s.* 6*d.* per gallon.
Common Oil :—Reuben Chapman.—2*s.* 3½*d.* per gallon.
Dip Candles :—Nicholas Aspinal.—5½*d.* per lb.
Soap :—Nicholas Aspinal.—4*d.* per lb.
Harness Leather :—James Wiltshire.—10½*d.* per lb.
Sole Leather :—James Wiltshire.—9½*d.* per lb.
Kip Leather—James Wiltshire—1*s.* 6*d.* per lb.
Basil Skins :—James Wiltshire.—6*d.* per lb.
Plasterers' hair :—James Wiltshire.—10*d.* per bushel.
Woól Cards :—James Payne.—9*s.* per pair.

Firewood.

At Sydney :—Thomas Street.—3¾*d.* per 100 lbs.
At Parramatta :—George Shelley.—2*d.* per 100 lbs.
At Liverpool :—F. E. Forbes.—1¾*d.* per 100 lbs.
At Windsor :—James M'Grath.—1¼*d.* per 100 lbs.

Lime.

At Sydney :—H. M'Keon and Charles Parfitt, at 5*d.* per bushel.
At Parramatta :—William Monks.—5¾*d.* per bushel.
At Liverpool :—F. E. Forbes.—10*d.* per bushel.
At Newcastle :—Alexander Philp.—7*d.* per bushel.

Hay and Straw.

Oaten hay, at Sydney and Parramatta :—John Hawdon, at 4*l.* 18*s.* per ton.
Wheaten straw, at Sydney :—H. Brooks, at 3*l.* per ton.
Wheaten straw, at Parramatta :—John Tunks, at 1*l.* 10*s.* per ton.

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Land Carriage.

From and to Sydney and Parramatta, and Sydney and Liverpool:—William Small.—Stores, at 11 ¾ *d.* per 100 lbs.; liquids, at 2 ¾ *d.* per gallon.

From and to Parramatta and Windsor:—James Thorn.—Stores, at 9 *d.* per 100 lbs.; liquids, at 1 ¼ *d.* per gallon.

From and to Parramatta and Liverpool:—John Ford.—Stores, at 5 *d.* per 100 lbs.; liquids, ¾ *d.* per gallon.

From and to Parramatta and Emu Plains:—George Shelly.—Stores, at 11 *d.* per 100 lbs.; liquids, 1 *d.* per gallon.

From and to Sydney and Bathurst, Parramatta and Bathurst, and Emu Plains and Bathurst:—Thomas Casey.—Stores, at 6 *s.* per 100; liquids, at 7 *d.* per gallon.

Conveyance of coals in Sydney:—Andrew Goodwin, at 2 *s.* per ton.

Transport by Water.

Conveyance of coals from Newcastle to Sydney:—Thomas Street, at 8 *s.* per ton.

Conveyance of stores to and from Sydney and Newcastle:—Francis Mitchell, at 12 *s.* per ton.

Conveyance of cabin passengers to and from Sydney and Newcastle:—Francis Mitchell, at 15 *s.* each. Steerage passengers:—Francis Mitchell, at 9 *s.* 6 *d.* each.

Grinding and Dressing.

At Sydney:—Grinding and dressing wheat.—Thomas Steel, at 1 *s.* per 100 lbs.; and Charles Gordon, at 1 *s.* 2 *d.* per 100 lbs.

Grinding and dressing maize:—Robert Cooper, at 1 *s.* 8 *d.* per 100 lbs.

Cracking Maize:—Thomas Steel, jun. at 6 *d.* per 100 lbs.

At Parramatta:—Grinding and dressing wheat.—George Howell, jun., at 1 *s.* 3 *d.* per 100 lbs.

Grinding and dressing maize:—J. H. Blanchard, at 1 *s.* 3 *d.* per 100 lbs.

Cracking maize:—George Howell, jun., at 6 *d.* per 100 lbs.

At Liverpool:—Grinding and dressing wheat and maize.—Charles Evans, at 1 *s.* 4 *d.* per 100 lbs.

Cracking maize:—Charles Evans, at 10 *d.* per 100 lbs.

The Emu Plains:—Grinding and dressing wheat or maize.—Sir John Jamison, at 2 *s.* per 100 lbs.

At Bathurst:—Grinding and dressing wheat.—Thomas Hawkins, at 1 *s.* 8 *d.* per 100 lbs.

Grinding and dressing maize:—Thomas Hawkins, at 2 *s.* per 100 lbs.

James Laidley, Dep. Com. Gen.

Thomas Potter Macqueen, Esq., called in; and Examined.

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1344. HAVE you an establishment in New South Wales?—I have.

1345. What part of the country is it in?—On Hunter's River.

1346. Have you had that any length of time?—The greater part of it since the year 1824. I have made purchases since, at different times.

1347. You never were in the country?—No.

1348. Are you able to state, from the communications you have had with persons in that country, what is the general condition of convicts who are in the employment of settlers?—I have had regular agents of my own, and have received their accounts at stated periods. From being a Member of Parliament for a considerable space of time, I have had communications made to me from many of the most opulent settlers. I have had statements of their supposed grievances made to me, for the purpose of procuring an amendment to those grievances. I have had in my own employment from 60 to 90 convicts yearly. I have considered, from the average expense, as forwarded to me by my agent there, that these convicts have been placed in the possession of relative comforts which, had I to provide the same comforts for my own labourers in Bedfordshire, would cost me 56*l.* 10*s.* a man per annum; and at the same time labourers in my own district have averaged for their support the sum of 8*l.* per annum.

1349. That

1349. That is taking a single man?—I am taking the average of a family; a man and his wife and three children costing a parish 40 *l.*

1350. What is the average wages of an unmarried man in Bedfordshire?—The average of an unmarried man, taken from the Returns made to Parliament, are 4 *s.* per week.

1351. About 10 *l.* a year?—Yes: I have instances in my own knowledge of lads who get up in the morning, walk three miles to their master's residence, and walk back to their miserable cottage at night, and get 4 *s.* a week, at this moment.

1352. Of what age?—Sixteen, seventeen and eighteen. I believe I have evidence of overseers to bring forward if the Committee wish for it.

1353. In point of fact, you consider the condition of the convict labourer in New South Wales as infinitely superior to that of the agricultural labourer of this country?—Infinitely so; and I have found from my own experience as a magistrate, that many persons have asked what extent of crime would insure their transportation.

1354. You think, in short, comparative comforts are enjoyed by the convicts in New South Wales which are unknown to the agricultural population in Bedfordshire?—Certainly; and I have a letter in Bedfordshire, which I could send for in a few days. I have an extract from it, which may set the question at rest. Five years ago a young man, a wheelwright, of the name of Northwood, was brought before me for poaching in the Duke of Bedford's wood. He was a tall, handsome young man, 19 years of age; he had been three years indented to a wheelwright. I did not like sending him to prison as a poacher. I have always found commitment to prison is the first step to make a confirmed vagabond. I recommended him to enter the King's service; he accordingly entered a regiment which happened to be under orders for New South Wales, I believe, the 39th. On his arrival at Sydney, he writes to his father a letter, which shall be in the possession of the Committee in a few days. He says, "The pay of wheelwrights here is 15 *s.* per day; and there is a gentleman who will agree to pay for my discharge, and I will work for him so long for a less rate of wages as we can agree upon." He begs I will send him out his indenture, to prove he has been three years at work in Bedfordshire, which I have done. I believe he is going on exceedingly well. He then proceeds to give his family some information of the Bedfordshire transports whom he has already recognized in the colony. He says, "Norman Hughes (a convict transported for stealing wheat, a most notorious character in Bedfordshire) has taken a large farm in Macquarrie's Harbour, and is doing extremely well. Phillip Hibbs (a boy about 18, transported for picking pockets) receives 50 *l.* a year wages as tapster of the Commercial Tavern." This letter was read over among the agricultural labourers of Bedfordshire; the effect of it was only this, they were anxious to know what they could commit to entitle them to be transported.

1355. The general impression on your mind is, that instead of being regarded with terror, transportation is looked to as a benefit?—I believe so, for that class of people; but when I allude to the next class of people who ought to go out, who would form a rational class of society in the colony, I find these local regulations already referred to are looked upon with terror and alarm.

1356. What class do you mean?—Mechanics and tradesmen, and of middle rank, possessing certain capital. They know perfectly well, from communications they receive, that principles of legislation which they do not understand, or which they think not constitutional, are permitted in that colony: thus, for example, that power is given to single magistrates to break open houses by day or night without further reference. This goes to show, that however justifiable those laws may have been in consequence of the state of society, still they retard the exportation of that class of persons who, if they did go forth, would form an immense relief to the colony, and a middle rank, which would enable this colony to receive a fair and constitutional degree of legislation.

1357. Do you mean that that feeling with respect to mechanics deters them from the commission of crime?—No; but from going out as emigrants.

1358. In short, your observations go to this; that you think the continual influx of convicts into the colony renders it necessary to establish those severe laws, which prevent respectable persons from going out, and hinder the colony from paying its own expense?—Certainly. In reference to the expense of male convicts in the colony, I am anxious to call the attention of the Committee to this subject.

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My principal argument will go to show that the sum of money paid by Government for the support of a certain class, the worst class of prisoners, is such, that if it were applied to the assistance of the labouring poor of this country, infinitely greater benefit would be obtained, and much greater relief would be afforded to the whole country. The Committee have been told that the average expense of the convict whilst there is 11*l.* 5*s.* 6*d.*; I will explain to the Committee how that mistake arises. General Darling in the year 1830, states in his official reports, that there are 452 mechanics employed in Government service. He states further that there are 1,466 convicts who are employed in these chain gangs, and labourers in the yards, making a number of 1,918 convicts supported by Government. The statement before the Committee shows that there are 15,668 convicts, and that the expense to the Home Government is 206,505*l.* 13*s.* Now according to that statement, I grant that the average is 11*l.* 5*s.* 6*d.* per head. But the mistake arises from this fact, that out of 15,168 convicts, all with the exception of 1,918 are employed by settlers, and are consequently no expense whatever to Government. So that in point of fact you must then take off the sum which the colonial revenue pay, and to that sum you must charge the 1,918 labourers who are employed *by Government alone.* If you take, therefore, the sum of 98,176*l.* 2*s.* 7*d.* which is the returned portion of expense for 1828 for convicts employed by Government, it will amount to 51*l.* 3*s.* 6*d.* per head.

1359. That includes all the expense of landing?—No; all the expense comes to above 300,000*l.* (I refer to the Parliamentary Paper of 1830, No. 585.)

1360. What suggestions have you to offer to the Committee on this subject?—The suggestions I should beg to offer to the Committee are, first, that I consider the colony of New South Wales has suffered materially from the importation of an improper class of persons, namely, gentlemen convicts, who never ought to have been sent there, and who have done great harm to the colony. I may be allowed to give some little statement of the historical part of that business: General Macquarrie, when governor, adopted the principle that the past life of a convict ought never to be referred to, but that he should be allowed to commence *de novo.* When any persons of those descriptions, that is bankers clerks, persons allowed to plead guilty to the minor offence of forgery, and persons of education came, he received them in this manner, and gave considerable offence afterwards by endeavouring to introduce them to better society. In order to keep down the expenses of the colony to as low an ebb as possible, the different governors have preferred employing men of this description as clerks in government offices, to having regularly salaried persons of free character; of course they knew that persons so placed were amenable to any punishment they might have inflicted; for the governor might have tied up any of them, and have given 50 lashes at his own pleasure; but the evil it has produced in the system has been, that those persons being able to live much in the same kind of manner as formerly, (for they all had tickets of leave the moment they were placed in this position) they assumed a formidable rank in society, they acted together; they found the freemen and officers in different regiments would not associate with them, looking on them as convicts, and they were in a different situation from agricultural labourers; those have been the disaffected persons who have been continually at variance with government, and who have caused very considerable impediments to the general operations of that government.

1361. In your opinion, that description of persons ought no longer to be sent to the colony?—Certainly. I think the great evil we have gone upon has been in separating the man from his family; that at present, before a man can be allowed to marry in the colony, he must produce a certificate from home that his wife has died there. The consequence of course is very obvious, that men there have families without any form of marriage taking place. I have no hesitation in saying, that in a very few years this country will be compelled to pass some law of indemnity to enable a transfer of property from persons of this description, who having natural children to leave it to, can make no form of conveyance, which is one of the evils arising out of the present state of society.

1362. How can that be obviated, you would not allow a man to have his wife and family over to remove irksomeness?—I would propose to make a very great division in secondary punishment; I consider nothing worse than to allow the burglar or sheep-stealer, the man who barely escapes the gallows, to be put on the same footing with a lad who has been sent out for poaching, or a slight offence. These men congregate together. I have seen the effects over and over again in our English gaols,

gaols, where the worst character assumes the lead, and corrupts the rest, by stating what has happened in his own knowledge. The first object of this Committee should be, I conceive, to find an entirely new secondary punishment for grave offences, and to consider transportation rather in the light of a milder punishment, to which the wife and family could not object to be sent. I think last year I may take as an example; you sent out 600 able-bodied men in consequence of being concerned in the Swing offences; of those 600 men you may calculate five-sixths were married men; what has been the consequence to the different parishes; the support of the wives and the children has fallen upon them. Had the parish been allowed to contribute even twelve months of the sum they must now pay annually to keep these poor creatures in a state of miserable existence, they might have been sent out. The whole crime of these people was poverty and misery; they might have emigrated, and they would have formed a most valuable class of agricultural labourers. You would have had the whole of these people happy and contented instead of wretched and degraded.

1363. Would not that have divested transportation of all its terrors?—Not of all.

1364. If you consider the knowledge agricultural labourers generally have of the superior comforts of New South Wales, and you add to that the transport of families along with them, would not that at once induce every agricultural labourer to be anxious to be transported?—I believe it would come to this, that you would obtain that which is withheld from a want of knowledge of the fact, that in every parish where you have a surplus population, or a portion of land that cannot be profitably cultivated under the present corn laws, for it is that which forms the real difference; were but the real advantages of New South Wales to be developed, and were you but to promise people that they should have constitutional protection from Government upon their arrival, the difficulty would be the selection of the parties voluntarily offering themselves.

1365. What description of new secondary punishment could you suggest?—There are three distinct modes of secondary punishment that I would suggest, all of which ought to be examined into. I believe it is perfectly understood that in parts of the West Indies, in Jamaica particularly, what are called the Table Lands are capable of cultivation, and from their latitude are not so inimical to European constitutions as others: the occupiers of those lands in Jamaica would willingly meet this country in encouraging labour of that description, and by it you will ameliorate considerably what you hear with reference to the Slave Trade. Another source of employment might also be taken, if there is to be a new contract with the East India Company; I allude to the salt works of the different presidencies, which would form the most severe secondary punishment in existence. A third source, which is of course liable to objections, but which I consider as well worthy of inquiry (if we are to keep up such places as Sierra Leone or Ceylon, in which we know from the tables of mortality the troops have suffered materially) how far condemned regiments might be established. I would merely throw out those three heads for inquiry.

1366. With respect to the first suggestion, have you such an acquaintance with the climate of the West Indies as to be able to state positively your opinion that those table lands are not extremely prejudicial to European constitutions?—I have spoken to several of the proprietors in the West Indies, who have stated to me that they consider the class of population saved from the gallows here would be very profitably employed in that climate.

1367. In what state do you consider those table lands to be; are they capable of improvement?—I believe they are not cultivated now for this plain reason, that the negroes do not dwell in them; they require a warmer atmosphere.

1368. You think they are capable of a profitable cultivation?—Yes.

1369. What would be the subject of profitable cultivation?—Sugar, or corn.

1370. On that high land?—Yes.

1371. With respect to the salt works; in what part of India are those salt works?—I think one is attached to every presidency.

1372. They are worked by native labourers?—They are worked by a class of persons almost procured on purpose, bred for it; they find that the native has not stamina and strength for it; it is a cross-breed occasionally bred for them.

1373. Would the convict be able to undergo that?—It is one of the severest punishments in the world: is it not better to put him there than hang him now.

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In reference to the condemned regiments, if you take the bills of mortality of some of those that are sent out, they are tremendous; the 92d regiment, in the five years they were at Port Royal, lost considerably more than double their strength. In reference to the minor class of offenders, they are kept in penitentiaries, and on board the hulks; that class of convicts it would be most beneficial to send to New South Wales. There is a paper referred to in a pamphlet of my own, showing that upon the average of eleven penitentiaries and houses of correction, the annual expense is 38 *l.* 7 *s.* 2 *d.* a head. Perhaps the principal evil that colony has had to contend with has been the varied policy of its several governors. General Macquarrie introduces one system; that is acted upon for a time. Sir Thomas Brisbane finds fault with it, and introduces one of a completely opposite character. Then comes General Darling. A commission is sent out from Lord Bathurst to make inquiries; that returns with a Report, which very few people can understand, and upon that instructions are sent out to the Governor. Great complaints, he knows, exist in reference to the gentlemen convicts, and General Darling institutes Wellington Valley, in which there is an entirely new mode of punishment.

1374. That has been destroyed, you know?—Yes.

1375. Can you suggest any punishment for the gentlemen convicts?—I would take such to a place as the Penitentiary at Milbank.

1376. Would that be severe enough?—Yes; you may make it tremendously severe. Then look to juvenile offenders, perhaps one of the most important classes in this country: they ought almost invariably to be sent to the colony; they would form a most valuable class, both male and female. I have known in my own districts more harm arise from children being committed to the society of housebreakers and thieves than from any other circumstance; when they have been sent to the hulks they have come back infinitely worse than when they were sent from agricultural districts.

1377. But as to married persons, who you suggest should be transported, their wives and children accompanying them, either at the expense of Government or at the parochial expense, what provision could be made for the support of those wives and children when they arrived at the colony; the men now being sent to settlers up the country, and labouring with them as agricultural labourers, could they by that labour support their wives and children?—If the labourer were sent out of the class I mention, and kept under control for a time, without great hardship, and if it were understood that he, with his wife and family, would be given over to the person applying for him. The only evil would be this; that the application would be regulated not by the character of the labourer, but by the number of children; that a worse character with eight children would be preferred to a better character with three. Labour is so valuable, and the profitable extension of trade of every sort, the growth of cotton and tobacco merely waiting the arrival of hands to effect it; the children would be invaluable; and as to their marriage, I would ask, have you not established a religious bond, which you afterwards endeavour to separate.

1378. Probably, with your large farm, you would be able to accommodate men with their families, but could the ordinary class of settlers in the country receive any but single men as labourers?—If a wholesome system of emigration were to be pursued, which I shall recommend elsewhere, there would be a class of respectable persons who would immediately absorb every one; but that system is requisite.

1379. What is the terror of punishment that will continue after such persons are sent off with their families, combined with all these comforts?—The system I am prepared to advocate, I am satisfied, will end in a system of emigration. But I assume, in the first instance, that nine-tenths of the common crime in the country proceeds not from original depravity, but absolute want.

1380. Would you be willing to pay the expense of the passage of useful convicts, upon their being assigned to you for a term of years?—Certainly, I would be most grateful.

Martis, 9° die Augusti, 1831.

Thomas Potter Macqueen, Esq. again called in; and Examined.

T. P. Macqueen, Esq.

9 August 1831.

1381. CONSIDERING the situation of agricultural labourers in this country, and that in which convicts are placed in New South Wales, does not it appear to you that their situation would be considerably improved by transportation to that colony?—Certainly.

1382. Has anything suggested itself to you, or has anything been suggested to you by persons with whom you have conversed, which would show the propriety of inflicting a greater degree of severity of punishment upon the convict?—I can only say, generally, that I consider the situation of the convict far superior to that of the labourer of this country, and that the terror of the punishment is lost sight of.

1383. Does any mode occur to you of increasing that punishment?—I do not feel myself competent to answer that question.

Mr. *James Walker*, again called in; and Examined.

Mr. *James Walker.*

1384. IF the supply of convict labourers to New South Wales was to be diminished, and quite inadequate to the demands of the colonists, are you of opinion that they would be disposed to employ agents in this country to engage free labourers and their families to go out to that country, the colonists paying the expenses?—Yes, I am; always understanding there is to be a lessening of the exportation of convicts from some causes.

1385. Would it be necessary for the settlers to have any summary mode of proceeding against such persons for misconduct?—It would be highly necessary there should be a very summary mode of proceeding; it must be through a civil action; it cannot be by corporeal punishment; but unless it was through corporeal punishment, I do not know how you could effect the object.

1386. Could not you effect the object, by having the power of mulcting them of their wages, or sending them to prison?—He would go and seek another master; the country is so widely peopled, that a man would abscond and screen himself among rogues who would gladly shelter him.

1387. Upon consideration should you not prefer the continuance and extension of the present system of convict labourers?—Yes, I would prefer it.

1388. Even supposing you were to pay the whole expense of the exportation?—Yes, or whatever we should be able to afford; we should soon ascertain what we could pay.

1389. Should you prefer to pay a specific sum to Government for any convict articled to you for seven years, or to make an annual payment?—To make an annual payment, certainly; very few of the settlers could afford to pay a sum adequate to the expense in the first instance.

1390. Are you now prepared to say what sum in gross you should be able to pay for the service of a convict for seven years, or what annual sum you could pay in addition to the present supply of lodging, diet and clothing that you are bound to provide?—I am always supposing that the settler finds every thing he now supplies, and some annual payment beyond; competition would settle that; it would be according to the demand.

1391. Could you afford now to make an annual payment to the Government for labour, provided you could not otherwise obtain convict labour?—At present, I employ, as I have said before, from 25 to 35 convicts besides some free people, and my outlay, if I could charge the interest of the colony for the capital expended there, is not covered now; I do not think I receive 50*l.* a year clear out of my concern, if I was to charge every thing in a sterling shape.

1392. Divesting your mind of the expense of bringing out convicts, should you be prepared to say to the Government I will give you 6*l.* or 7*l.* a man so long as you supply me with men?—I should think 6*l.* or 7*l.* might be got; competition alone would settle that.

Veneris, 12° *die Augusti*, 1831.

Mr. *Edward Gibbon Wakefield*, called in; and Examined.

Mr. *E. G. Wakefield.*

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1393. ARE you the author of a book upon the Punishment of Death?—Yes, I am.

1394. Have you had occasion to inquire into the state of mind of persons capitally convicted in Newgate?—I have.

1395. Have the goodness to state to the Committee the general state of mind of those persons under sentence of transportation?—I had particular opportunities of observing the impression made upon the minds of convicts under sentence of transportation; because, in the first place, there is always a very considerable number of such persons in Newgate; and secondly, Newgate is a sort of lodging-house for convicts coming from the country prisons: they remain there but a short time, but quite long enough to give any body who is an inmate of the prison an opportunity of observing the impressions upon their minds. I took very great pains, during the course of three years, to observe the state of mind of those persons, and I do not now remember a single instance in which a prisoner appeared to me to be deeply affected by the prospect of being transported to the colonies: on most occasions when I examined any prisoner I found his mind bent upon the colonies, when he expected to go there, and bent upon attaining a degree of wealth and happiness, such as he had no prospect of attaining in this country. Amongst a number of persons sentenced to transportation, and living together, I have generally found one, and sometimes two or three, who had already been in the colonies; and it is very seldom a session passes at the Old Bailey without the conviction of some man who has been transported before; consequently the convicts associating with those men have the best opportunities of hearing reports as to the state of the convicts in New South Wales and Van Diemen's Land: these reports are always exceedingly favourable; in many cases, no doubt, they are much exaggerated in favour of the convict, because a man who returns from transportation takes pleasure in making people believe that he has cheated the law, and that he has enjoyed himself notwithstanding the sentence passed upon him. But whilst some allowance must be made for this exaggeration of the returned convict, the story he has to tell is, when true, a very favourable one in the estimation of these people: he states such facts, as that a great number of the persons who keep carriages in Sydney were once convicts, and he gives the names of those persons, and describes how they, in the course of a very few years, have raised themselves from the situation of convicts into that of the most important persons, in point of wealth perhaps, in the colony. All these representations are received with great delight by the convicts, and those who think upon the subject at all go out with the prospect of benefiting themselves and doing well. A great number never think on the subject at all: they are of reckless habits, perfectly careless of the future; but they have no impression on their minds of the probability of receiving any pain, they have no dread of any; they are going to be removed, they would be glad to remain if they could, and they make great efforts to remain even in the hulks in a great many cases; but it is always to be discovered that their object is not to avoid any pain to be inflicted upon them during the passage or in the colonies, but to remain in this country, and be able in a short period to resume their old habits, and lead that life of riotous enjoyment which belong to the habits of criminals.

1396. In those persons sentenced to transportation, with wives and families, do they feel some regret at being separated from them?—I have seen many instances of that sort, and I have generally observed that they were very desirous to obtain means to carry their wives and families with them, or have them sent after them; but it is particularly in cases where there are wives and families, and the men are thoughtful of the future, that I have observed the strongest impression favourable to their future prospects.

1397. Do they generally indulge the hope that their wives and families will come to them?—Yes, that they will reach them; they generally make applications to the Government for the purpose, and it is sometimes done; and if that is the case once in 20 times, the general impression will take place that it may be so in the case of each.

1398. Did

1398. Did you observe in these persons sentenced to transportation there was much eagerness to be sent to the colonies instead of the hulks?—I should say not; the preponderating desire is to remain in the hulks.

1399. Is there a dread of the Penitentiary?—A very great dread.

1400. What does that arise from; does it arise from an idea of the discipline there, or the unhealthiness of the situation?—I think from the idea they have of the discipline.

1401. Do they consider it much more severe than the discipline of the hulks?—Yes: there is a particular case I recollect bearing on the question of the Penitentiary, which I will mention; it was in 1828. Two very bad fellows indeed were sent up from Staffordshire, in order to be confined in the Penitentiary; they were in a diseased state when brought to London, and they were placed in the infirmary at Newgate, to be cured; they were covered with the itch. In a very short time they were all but cured by the surgeon of Newgate. I saw them every day, and I know positively they gave themselves the itch in other parts of their bodies, in order that they might remain in Newgate a longer time, and so avoid the Penitentiary, which they dreaded above every thing; and they managed, by conveying the disease to other parts of the body, to remain in Newgate two months; and I have no doubt that their sole motive for taking so much pains was the dread of the discipline of the Penitentiary; indeed, they told me so.

1402. But in spite of all the representations of the state of the colony, and their hope of bettering themselves there, there is a strong feeling for remaining at home?—Yes; because every man sent into the hulks calculates that his period of imprisonment there will be the shortest period. Every man is inclined to think favourably of his own fortunes; and if he sees one, or ten, or twenty, in the course of the year, sentenced to seven years transportation, who have but three years and a half imprisonment in the hulks, he takes it for granted, as a matter of course, that his term of imprisonment will be the same; and he then expects to resume his old habits, as before.

1403. Do you think it is from the impression they have of the laxity of the discipline there?—Yes, I think so, decidedly.

1404. Do you think if the punishment of the hulks was invariably enforced to its fullest extent, that there would be that anxiety to remain at home?—No: I think, make whatever punishment you please certain, the effect of it will be seen immediately.

1405. Have you ever conversed with any person who have been on board the hulks as convicts?—Yes.

1406. Do you mean to say, if the duration of the imprisonment was the same in the Penitentiary as the hulks, that they would be indifferent which they went to?—No; they would prefer the hulks in that case. I did not mention the Penitentiary with a view to the length of imprisonment, but as to the discipline.

1407. They consider the discipline of the Penitentiary more irksome and severe than that of the hulks?—Yes; these men I have mentioned told me they would conduct themselves in such a manner that they might be sent to the hulks. They had some hope of being sent to the hulks, from their bad behaviour in the Penitentiary.

1408. Have you had an opportunity of conversing with any persons who have been on board the hulks as convicts?—With some.

1409. What was their statement as to the discipline in the hulks, did they consider it a lax discipline or a very severe discipline?—A lax discipline.

1410. Did they consider they were less worked on board the hulks than the average amount of labour that an agricultural labourer has to perform?—I never put that question to them, but the general impression upon their minds is, that the life of the hulks is "a pretty jolly life;" that is about the term I could make a dozen of them use one after the other in answering the question.

1411. Do they consider it that sort of jolly life from any indulgences they were allowed on board the hulks, or from the general laxity of the discipline?—I have often heard them speak of the indulgences of the hulks, as being much greater than those of country prisons, and much greater than those of the London penitentiaries and houses of correction.

1412. Do they particularize those indulgences?—Yes; I have heard them speak of having tobacco and a certain allowance of money, which they were permitted to receive from their friends, which was set apart for certain indulgences.

1413. But the general impression was, that the discipline of the hulks was not severe?—

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severe?—Yes, much less severe than the Cold-Bath Fields House of Correction, and particularly county prisons.

1414. Do you conceive that the great difference is supposed to be from being allowed greater opportunities of conversing with each other in the hulks?—They conceive that to be one of their greatest enjoyments, and the deprivation of it would be the greatest of all deprivations.

1415. You have seen persons who have returned from transportation, and persons who have undergone the punishment of the hulks, have you met with persons who have undergone the punishment of the Penitentiary?—Not to my recollection; though I have no doubt I have met with such persons. I now remember one man having been confined in the Penitentiary for many years, and having afterwards been executed at Newgate, and it was mentioned as a very curious circumstance, because great pains had been taken with that man, but he was executed for theft. Mr. Cotton could give full information as to that man, in whom he had taken great interest.

1416. You have stated that there are constantly in Newgate convicts who have returned from transportation; what reason do they assign for having returned if their treatment was so favourable as they represent to their fellows?—In a great majority of cases the motive for returning is to resume a connection with some woman in England.

1417. Did any of them explain the means by which they effected their escape; did they represent it as an easy matter?—Very easy; there was one man who returned three times; I think it was in the course of a few years.

1418. Do you know how he effected it?—He paid some money to the captains of ships, and concealed himself in the ships on all the occasions.

1419. With the concurrence of the captains?—Yes. He was a man of great courage: he was once smoked out; they fumigate with sulphur vessels which leave the port of Sydney, and this man bore the fumigation till he was nearly suffocated; he was a very clever, determined man. His motive for returning was a connection with a woman who would not leave this country.

1420. You have stated that the criminals have a very favourable view of the colony; do you think they come into gaol with those favourable impressions, or that they receive them in the gaol?—Many persons bring it into the gaol with them, because they associate with persons out of the gaol who have been in the penal colony.

1421. What description of convict has the greatest dread of transportation, the London thief or the agricultural labourer?—I have had very little opportunity of observing it, except in one instance, in consequence of a number of Sussex smugglers having been sent up to be tried in London; they pleaded guilty to the capital charge, and these smugglers were sentenced to transportation for life, and their dread of leaving the country was very great indeed; they were exceedingly ignorant, but, except that they were smugglers, they were valuable men in any place. I took a great deal of pains to convince them that the best thing to be done for them was to send them out of the country; and I tried to persuade them not to petition against being sent out of the country, but I could not succeed.

1422. Might not that arise from their feeling of affection to their wives and families?—Yes, in many instances; but I offered to take measures to get their wives sent after them, and there was only one out of the ten whom I persuaded to think it would be better to go.

1423. Were those men regular smugglers, or had they only been entrapped into the carrying of kegs?—They were an amphibious sort of men, half smugglers and half agricultural labourers; most of them were what are called Batsmen, who assist in running goods.

1424. Not the men who have been on board the vessels?—Some of them had been at sea.

1425. You have stated in a former part of your evidence, that the people who were going into transportation felt comfortable, because they were satisfied they should not endure pain in going there, or pain while there; what pain did you mean?—Any sentiment that would occasion dread.

1426. Do you think, if it was known that upon their arrival at the colony they would be sentenced to work upon the roads in irons for a year, that would occasion much greater dread?—Yes, if the punishment were universal; but where there are exceptions to the certainty, the mind fixes upon those exceptions, and the effect of the punishment is lost.

1427. But

1427. But your opinion is, that a milder punishment invariably inflicted, operates as a preventive to crime, much more than severe punishment occasionally applied?—Yes, if inflicted with certainty, and inflicted with rapidity after the sentence.

1428. Do you think that the impression generally in this country is, that the dread of transportation is increasing or decreasing?—I never observed any difference during the three years I had an opportunity of observing.

1429. What years were those?—Part of 1827, 1828, 1829, and part of 1830; it appeared to me that the impression was always the same; I should say it made no impression at all upon the great mass of criminals, certainly not upon boys; I have known boys endeavour to be transported rather than be whipped.

1430. Did you observe any difference in the effect produced upon the male and female convict?—I had no opportunity of judging upon that subject as to the effect upon the female convicts, but I have no reason to think the effect was such as to induce others not to commit crime.

1431. Was there any difference in their feeling as to being sent to Bermuda or New South Wales?—I had no opportunity of making a comparison.

1432. Do you think that criminals in general are pretty well acquainted with the state of the colony, as to its advantages in climate and other respects?—Yes, much more so than most other people; nearly all of them who are habitually criminals, and who have an opportunity of associating and conversing with returned convicts.

1433. Do you think that the notion of going to an unhealthy climate would influence them?—Yes, I have no doubt it would; the climate is one favourable point on which they dwell. When I was in Newgate I lent the books that had been written upon New South Wales to clerks and other persons who were convicted under Sir Thomas Plumer's Act, and the books were worn out by them, and I was obliged to get a new set; Cunningham's work and others. Their minds are fixed upon the new country; they forget every thing here, and are quite desirous to go. In many cases they are persons of superior education, and considerable effect was made upon persons of that class by some alteration that took place with respect to them in the colony. Some returned convicts brought an account of their having been sent up to Wellington Valley, and the expression they used in speaking of it was, they called it the "Swell's settlement, the gentlemen convicts;" and it created a great deal of apprehension in the minds of that class of persons, clerks and others, convicted of forgery and embezzlement.

1434. What do you think would be the effect of the Penitentiary upon such persons?—Terrible, if it were made certain. I believe that the amount of crime in London might be diminished to one-fifth of its present amount, by the certainty of the punishment and its speedy infliction.

1435. Do you mean certainty as to the duration?—I think the amount of the punishment would be immaterial, if its infliction were made certain.

1436. Do you apprehend that road gangs, working in chains in England, would operate more effectually for the prevention of crime than the same gangs working in the colony?—Yes, unquestionably; the punishment, if inflicted on the other side of the world, would make but a faint impression.

1437. Do you see any strong objection to the introduction of a system of road gangs working in England?—None at all; but my opinion is, that it is a matter of comparative indifference which punishment you take if you render the punishment, whatever it may be, certain and speedy.

1438. Do you think that the prospect of their condition being bettered afterwards would reconcile them to the temporary infliction of punishment, when they first arrived at the colony; for instance, sentencing them to a year's hard labour?—Probably it would not have much effect, because it is to be observed, in all cases, that the mind dwells upon what is pleasant rather than what is unpleasant, and it would be found, upon examining a number of convicts here, who are acquainted with the advantages of a convict's life in New South Wales, that they know little or nothing of its disadvantages.

1439. They would not care for temporary punishment?—They would jump over that and dwell upon the pleasure that was to succeed.

1440. So that if there was any proportion of their punishment or confinement in New South Wales that was of a mitigated nature, the severity of the punishment that was first inflicted would not operate to its fullest extent, on account of the expectation that would prevail in their minds as to the mitigated punishment they would have

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have to enjoy at the close of their period of transportation?—I think so, decidedly.

1441. If they knew there was no prospect of any shortening of their term of punishment, and if a man was sentenced to the term of 14 years' transportation, and he knew he would be compelled to work that out to an agricultural settler in New South Wales, would not that increase their dread of transportation?—No doubt; if the existence of the convict in the colony were rendered painful, and invariably painful, that circumstance would have a great effect.

1442. Such a lengthened duration of punishment would have such an effect, that the prospect of happiness would be destroyed?—Yes; but the prospect is not at all painful at present, the convict is so important to his master, and he makes a bargain with him, and he lives very comfortably, though he may be called a slave.

1443. Did anything ever occur to you by which the severity of the punishment of transportation might be increased?—It appears to have been very severe in the first instance, when there was nothing but a desert on which these people were turned; but now they are turned into a society of persons not criminal, and the punishment is quite of a different nature; it is little or no punishment.

1444. Then if a new establishment was formed in some uncultivated island, it would increase the dread of transportation?—Yes, for a time.

1445. If the punishment of the hulks was more efficient, and the convict sentenced to transportation was obliged, before he was sent to New South Wales, to undergo the punishment of the hulks for two or three years, or the punishment of the Penitentiary for two or three years, would not that increase his dread of transportation altogether?—I think it would; there would be a positive punishment with which the convicts could be well acquainted here; and if that were rendered certain in every case, transportation afterwards would be quite unnecessary.

1446. Upon the whole, considering the relative numbers, is it not your opinion that the Penitentiary is the most effective of our present secondary punishments?—Yes, I think it is.

1447. But do you not think, from what you have heard, that the hulks might be made as effective?—Yes, I have no doubt of it; by applying to wooden walls an effective system of prison discipline.

1448. But the attraction of society could not be prevented at the hulks?—Solitary confinement is not necessary, if absolute silence is enforced; silence is solitude.

1449. It is your opinion that the punishment of transportation, as at present carried on, is in a great measure nugatory as to the prevention of crime?—That is my opinion, decidedly.

1450. Being aware of the difficulty, from the early habits of the London gentlemen thieves, consisting of clerks and persons of that kind, who have been guilty of embezzlement and forgery, of enforcing upon them positively hard labour, has any mode of punishing them occurred to you by which they should be intimidated in the commission of crime, by undergoing some discipline that would be effectual?—The impression made upon my mind as to all the punishments I observed was, that they were deficient in certainty and in speed of sequence upon the offence, and that almost any punishment would suffice, if means were taken to render it a certain and speedy consequence of the crime.

1451. You mean to say it would be a great improvement if, upon conviction, the Judge immediately pronounced the sentence the man was to undergo?—Yes.

1452. And that the man should be tried as soon as he was apprehended?—Certainly. I think one of the greatest improvements of the criminal jurisprudence of London would be, that the Old Bailey Judge should sit every day, so that if a man committed a crime to-day, he should be tried to-morrow.

1453. Do you consider the present practice of condemning so many persons to death, and their afterwards remaining in Newgate uncertain of what punishment they are to undergo, has a most injurious effect upon their minds?—Most injurious.

1454. In your communication with persons who have been in the hulks, have you found they have been disposed to return to a course of honest industry?—I have not.

1455. Are you aware of any man who has undergone this punishment who has become an honest man?—Not one; I never met with one.

1456. Have you known any one instance of such a person becoming a reformed man?—Not one that I now recollect.

1457. Have you known many instances of their returning again to their old habits?—Yes, many.

1458. What

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1458. What is your opinion of the effect of long imprisonment?—I had a very favourable opportunity of examining the effect of long imprisonment in Lancaster Castle; the imprisonment is very severe and very well conducted in Lancaster Castle, but it does not have the effect of deterring those who undergo the punishment from resorting to crime almost immediately upon their discharge.

1459. But still you think persons prefer a long imprisonment to transportation?—If three years imprisonment is to be considered a long imprisonment, they prefer it to transportation.

1460. With respect to the class of persons you have alluded to, clerks and others of that description, would they prefer a long imprisonment to transportation?—Transportation they would prefer most certainly.

1461. But not the lower class of persons?—No, not the lower class; the more ignorant a man is the more he dreads transportation. I am borne out in that by the case of the Sussex smugglers, who were so ignorant that they were incapable of learning that transportation would be advantageous to them.

1462. Does anything occur to you by which imprisonment might be made more effectual by the addition of hard labour?—Yes; when Captain Hall's account of the American prisons was published, I read it to many of the convicts at different times, and the effect it produced upon their imaginations was very striking; it made them shudder, and any such punishment as that they would dread beyond measure. In the prisons of which I speak the prisoners work together, but have no intercourse with each other; they never speak to each other during the day, and they sleep in separate cells, they pass months together without uttering a syllable.

1463. Is there any great dread of hard labour?—I should think there was, particularly among London thieves, whose great motive for being criminal is to escape work.

1464. Does not hard labour become a sort of relaxation to them?—Yes, in some cases it does; I have heard that in Lancaster Castle, where the men work upon the tread-mill and as weavers, and are shut up at dusk in the winter time, they sent a petition praying that they might be allowed to work till nine o'clock instead of being shut up at five, and Mr. Thomas Higgin, the keeper at Lancaster, a very intelligent man, had great difficulty in persuading the magistrates that it would be an indulgence to allow these men to work. I never met with a man who had paid more attention to the subject than Mr. Thomas Higgin, the keeper of Lancaster; he appears to possess the most valuable information upon the subject of imprisonment.

1465. You have stated that you have known boys prefer transportation to whipping, do you think whipping a punishment that has any beneficial effect upon boys?—The boys dislike it, and they show more fear of it because it is inflicted immediately, it happens at Newgate immediately after sentence, it happens on the day the sentence is pronounced, and when the prisoners come back with the sentence of whipping, their uneasiness is evident; they know that the punishment will take place in a few hours, and it is very instructive to see them come back, some sentenced to transportation and some to whipping, those who are sentenced to transportation will go to play immediately, while those sentenced to whipping will sit down in a melancholy state.

1466. Have you observed the effect of whipping upon men?—Very few men are flogged.

1467. After it is over, do you think it leaves a great dread upon their minds?—Upon boys it does, but not upon the men; the men make a joke of it.

1468. Do you observe a very material difference in the habits and opinions of the London thieves and persons sent up from the country who are a short time in Newgate?—I should say, with respect to those who are regular thieves, there is hardly any difference between them.

1469. Of what class of persons are the London thieves originally composed?—The largest proportion of London thieves spring from parish apprentices; orphan children put out by the parishes as apprentices. I made inquiries during nine months of every child that came into Newgate as to his history, and I found that the largest proportion consist of boys, apprenticed by parishes to various trades, and of those again, the largest proportion consisted of boys apprenticed to chimney sweeps; they run away from their masters, and have nothing to do but to thieve, and there are always persons on the look-out for them to teach them.

1470. Those were not boys that were too large to be employed as sweeps?—No; they were boys under 14 years of age.

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1471. The question that was put to you applied to London thieves generally, of what class of persons they are composed?—The London thief springs up from a nursery; the London thieves are created from the boys; the proportion which I have given relates to boys, but ultimately to the London thieves.

1472. Are they generally very ignorant and uninstructed persons, or can most of them read and write?—Most of them can read and write, but they are excessively ignorant; their reading and writing gives them no sort of knowledge, it is the same as if they could not read or write as to any useful knowledge; the great majority can read and write.

1473. Do you think it would add very much to the terror of transportation if they knew, in all instances, it was perpetual banishment, that even those sentenced to seven years' transportation would have the seven years' penal labour and afterwards not be allowed to return?—No, I think not; I think their minds are fixed upon something pleasant in the colony.

1474. You have alluded to the facility of escape; are escapes very frequent?—The cases are very rare, and they generally spring from the one motive mentioned before, a desire to return to a woman in this country.

1475. You think it is not any *amor patriæ* that brings them back?—No; the person whom I have mentioned as having returned three times is a very intelligent man, and could furnish a great deal of information; his name is John Hawkins; I do not know whether he is in this country now.

1476. Was he sentenced for a fresh crime each time of his transportation?—No; for returning from transportation.

1477. When he returns, does he try to live honestly?—I believe he does; he is not a bad man; he is rather a fine fellow.

1478. What means of existence has he in London?— I believe that he is maintained by the woman to whom he returns.

1479. Supposing at the termination of their punishment they were disposed to be honest, are they not precluded from the state of society from benefiting by their punishment?—There is no question about it.

1480. And that therefore a short punishment is not comparatively benevolent to them, because at the expiration of that period they have no means of supporting themselves but by a recurrence to their former courses?—That is a question that would lead to a very wide field of discussion. When they return they find very great difficulty in obtaining employment, and so do honest people, or the poor-rates would not be so high, or wages so low. The difficulty of these people is no doubt enhanced by having been in prison, and they fall into that class who have the greatest difficulty in obtaining employment; but they have not more difficulty than those who are obliged to seek parish relief, and have not been in prison. Those persons who are wholly maintained by parish relief, suffer from an absolute want of employment; consequently, though the persons who have been in prison should suffer an absolute want of employment, it would be hard to attribute it to their having been in prison, when we see others in the same situation who have not been in prison.

1481. On the whole, which are you disposed to consider the most effectual method of secondary punishment, a well organized system of imprisonment at home, or a well organized system of transportation?—Decidedly, a well organized system of imprisonment at home; because the distance of the colony prevents criminals from receiving intelligence that is disagreeable, while, at the same time, it allows them to receive that which is agreeable.

1482. Supposing an improved system was to be adopted in New South Wales, it would be a long time before it produced its effect in this country; would not the idea of their being well off there exist for a long time after it was changed?—I cannot give an opinion upon that point; but I can mention a fact: I have said that a change did take place in the mode of treating those who were called gentlemen convicts. The change was very soon known among that class of persons, and it made a considerable impression, and if that improved mode of treating them had been universal, I do believe by this time it would have made a great impression upon that class of gentlemen criminals, persons of superior education; but it was not universal; all sorts of exceptions were made. A great number of well-educated persons were sent to Wellington Valley, but a great number were not; quite enough persons were not so punished to make the convicts dwell upon the exceptions.

1483. You think transportation can be made a punishment that they will dread?—I cannot

—I cannot conceive how transportation to New South Wales can now be made a punishment; it might be upon some desert spot, such as New South Wales was at first. Mr. *E. G. Wakefield.* 12 August 1831.

1484. By the combination of punishment here with transportation to New South Wales, might we not establish a system to be dreaded, combined with the disposal of persons who would otherwise be thrown back upon society?—Unquestionably; but it would be better to inflict the whole of the punishment here, and the whole of the boon there; let the punishment be seen here, and the boon be kept at a distance.

1485. You think that by a well arranged system of punishment, the quantity of crime in London might be reduced four-fifths?—Yes; I am afraid to say how much, because it is not likely to obtain belief, but it would be an immense reduction. A system of certain and rapid punishment, let the punishment be what it might, would produce a visible effect in the course of six months, and a very great one in the course of two years.

1486. When you consider their general demoralized state, and their long habits of indolence and crime, you remain of that opinion?—Yes; considering all those things, you would deter them very greatly.

1487. What is your opinion of the facility of transportation to a less healthy island; for instance, the island of Trinidad?—I am hardly able to give an opinion upon that subject; I can only speak hypothetically; I should say, if transportation to the colony was made certain and painful, it would be an efficient punishment; but not so efficient a punishment as some that might be inflicted here.

1488. You have stated that in your opinion a description of secondary punishment might be devised that would have a better effect upon criminals than transportation; in your opinion, would any description of secondary punishment at home have generally a beneficial effect upon re-committed prisoners who have known a gaol?—Yes, I should think decidedly; the case of the two men I mentioned some time ago as having been sent up from Staffordshire illustrates that point; they had been in a great number of prisons, and in the hulks, and passed their lives in crime, and they dreaded the London Penitentiary as being the worst place they could be sent to.

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1489. HAVE you lived much in the island of Trinidad?—About 15 or 16 months. Major-General *Lewis Grant.*

1490. The Committee see by the printed Papers on their table, that you are of opinion that convicts might advantageously be sent out to that colony; do you think by sending them out to that colony in the way you describe, that any salutary dread of the treatment they would receive there would be created in the minds of those convicts?—Inasmuch as these persons would always be liable to compulsory and gratuitous labour, and to a restriction of freedom, I should think a salutary dread of such a situation, and that too in a tropical climate, would always remain.

1491. You set out by recommending they should be employed upon the fortifications?—Works of defence are much wanted at Trinidad, and if it suited the purposes of Government to take the advantage of the labour of convicts, which could be procured at a very low rate compared to what it could be provided there, it would afford a constancy of employment, which would be desirable at the outset of such an institution.

1492. It does not appear from any thing in your statement, that the convict would be exposed to any great severity of punishment in Trinidad?—Not beyond what they would be exposed to in New South Wales or Bermuda, as the degree of labour should be modified and regulated in reference to the climate.

1493. You recommend that their wives and families should be sent out with them?—In recommending this, I alluded to a description of convicts being sent out in the first instance, who from the character of their offences, or from other sources of information, might be hoped to be reclaimable, and be capable of being usefully employed as colonists, and in commencing the introduction of a white agricultural population.

1494. By that, should you not remove all dread of the punishment?—The actual punishment would be much mitigated in the case of persons who might be disposed to appreciate indulgence; but as neither the banishment nor the power to exact gratuitous labour from them, or to inflict severer punishments would be renounced, the "dread" would remain.

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1495. As the object of this Committee is to ascertain means by which transportation would be rendered more severe and more dreaded, by this suggestion it does not appear to the Committee that your views meet the object of the Committee?—The indulgences which I have suggested, have reference to the persons whom I spoke of as being to be sent out in the first instance, who should not be "convicts of a hopeless and desperate description," but whom for ulterior purposes it might be desirable to indulge in the manner I mentioned. These might be employed in making the various preparations of every kind, whether for the more hardened convicts, or those of a better description, to be employed in agriculture, according to the measures which Government, after some experience, might desire to adopt. In this way perhaps the views of the Committee might be brought about, at the least possible expense.

1496. Can you suggest anything by which greater severity of punishment could be effected by sending them to Trinidad?—Any degree of severity can be attained at Trinidad which may be customary in the other places of transportation. The difference of circumstances in one point of view is, that the expense will be less, and in another point of view, that the measure might lead to the introduction of a white population in Trinidad.

1497. Any system of discipline that is adopted in New South Wales could be adopted in Trinidad?—I see no reason why not; unless it should partake of extreme exposure to the influence of the sun.

1498. You suggested Trinidad as a place of transportation, because the conveyance would be much cheaper than to New South Wales, and because it was an object to increase the white population at Trinidad?—I had both these objects in view.

1499. You have made an estimate of the probable expense of carrying out convicts to Trinidad?—I made that estimate from the information I obtained in the City; the price of passage for each convict would be about six guineas, and a shilling each day for maintenance during the passage.

1500. What is the average duration of the passage?—For a transport I should say about six weeks, not more.

1501. Do you think it would be easy to find persons there willing to employ these convicts as agricultural labourers?—I suspect there would be a prejudice against this in the first instance.

1502. What is the amount of the black population?—About 22,000 slaves, exclusive of free persons.

1503. Might there not be great danger, considering the supposed excited state of feeling among the black population at present, in allowing intercourse between them and persons in the situation of convicts, who might probably be disposed to tamper with those slaves, and might excite in them a most dangerous feeling towards their masters?—I do not apprehend so.

1504. You think there would be no danger in allowing a free communication between those convicts and the slaves?—I do not think that would be desirable, nor will it be so likely to take place as may be imagined, as their modes of life and other habits are so different.

1505. You think there would be no difficulty in separating them?—I should think any planter who had charge of them could effect this as far as would be necessary.

1506. How could the planter, who might receive a certain number of convicts, keep them separate from his slaves?—From the small number there would be of them on his property compared with the number of slaves.

1507. The persons that the planters would be most ready to employ would be mechanics?—There would be no difficulty in getting mechanics employment.

1508. Would the convicts be available for the same species of labour as the blacks?—No, not continually in the field.

1509. Would not the number required to be employed in the island be very small?—If they were taken on estates by the planters, I should think that three or four convicts for every hundred black persons might be received; this of itself would employ a considerable number; mechanics would always find employment; and the public works of the colonial government would always afford work for a considerable number.

1510. How many convicts, upon the whole, do you suppose might be received and employed in Trinidad?—It is difficult to answer this question, as the subject is a new one; but I should not recommend the sending out more than two or three hundred the first year; and if any thing like this number were sent, it would be advisable,

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advisable, for the reasons I have mentioned, and others which are obvious, that they should not be of a hardened description.

1511. If those men are not capable of working as agricultural labourers in a tropical climate, to what employment could the planter turn them?—The building of fences, the care of gardens and provision-grounds; besides, there are many occupations in the close vicinity of the buildings in which they might be employed. I do not, however, say, that they might not be employed in the less laborious parts of agriculture, although not in the digging of cane-holes.

1512. Admitting them to be employed upon that species of labour, how would it be possible for the planters to keep them separate from the slaves?—There would be very few upon his property; there would not be above six to the hundred.

1513. Could he keep them apart?—Yes, he could.

1514. Would their labour pay for their maintenance?—Yes, it would.

1515. Would such labour amount to any severe punishment?—The punishment would consist in the compulsion and the banishment, and in the labour being nearly gratuitous.

1516. Would there be at Trinidad any demand for such labour?—There might be a prejudice against it at the outset, but I think that in time it would come to be sought after.

1517. Is there at present any great demand for labour at Trinidad?—Generally speaking, there is a great demand for labour at Trinidad; but in the case in question I must speak hypothetically; that is to say, if the Government should be induced to undertake the public works I have alluded to in my letter, there would be abundance of employment for a considerable number of convicts for several years to come. There are always some colonial works or improvements required, and these would employ a considerable portion; but in this latter case it would not be suitable to have the hardened criminals so employed.

1518. You state in your letter that there would be no difficulty in forming an establishment in the interior, in which the convicts might be forced to undergo any degree of labour that might be considered necessary as a punishment to raise provisions for their maintenance?—I am inclined to think that the formation of an agricultural establishment might be tried with every hope of success; but, as I said in my letter, I should conceive that the presence of the wives and families of the persons employed therein, would be almost indispensable for its success.

1519. You think upon that soil, and with that climate, so small a quantity of labour is necessary to produce the provisions necessary, that they might raise all the supplies necessary for the establishment without having to purchase any?—I cannot think there is any doubt of this, after the first year.

1520. Have you served much in the West Indies?—A great many years.

1521. Is the Island of Trinidad very unhealthy?—Not particularly so; in the elevated situations it is generally healthy; but not so in the low and swampy parts.

1522. Do the troops suffer much?—Not for the last 14 or 15 years.

1523. Do you think it would be practicable to establish a condemned corps to serve in the West India Islands, taking care they should not be in such large numbers as to be dangerous to the colony?—I should think something of this kind might be adopted, if there was a necessity for it.

1524. Should you recommend them in companies or battalions?—During the war most of the regiments in the West Indies had a portion of convicts attached to them; they were mixed promiscuously with the other men of the regiments, and not kept in separate companies, and it was found to answer.

1525. They were mixed together?—Yes.

1526. Has not that sometimes a prejudicial effect upon the mind of the soldier; does not he feel himself degraded by being associated with the convicts?—We did not perceive any effect of this kind.

1527. Might it not have the effect of corrupting them?—This was prevented by the discipline, and the indulgences which awaited good conduct on the part of the convicts.

1528. Suppose you were to attach to each battalion a condemned company, employing those men in the most unwholesome and disagreeable service?—This certainly could be done; but it would be an unpleasant task for those who would have to inflict it.

1529. Would it operate as a severe punishment upon the convict?—It certainly would.

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1530. In the cases to which your experience applies, they were not separate companies?—No; they were indiscriminately mixed with the others.

1531. In what relative numbers?—According to the time a regiment may have been in the country, perhaps I may say occasionally to the extent of one third; for on a regiment being ordered home the convicts in it were distributed among those that remained.

1532. That is the case supposed of companies which should remain always in the same island, and be attached successively to differents corps, as they might arrive from the mother country?—Such was the practice; but the convicts were not confined to any particular company or island.

1533. Are you of opinion that severe punishment might be inflicted upon convicts by making them serve in that kind of way without any danger to the safety of the colony, or the discipline of the troops?—If the measure in other respects was expedient, I do not think there would be any danger to be apprehended.

1534. And it would be a great punishment to the convict?—The punishment would be in their being handed from one regiment to another, and perpetually kept in that country.

1535. What is the nature of the ground in the places where you say they might be employed to raise provisions, is it at present uncultivated land?—Generally so; but it would be desirable if land could be found which had been already cultivated, that the convicts or other Europeans should be placed upon it.

1536. Is it wooded?—Covered with wood; where it has not been cultivated.

1537. It requires clearing?—Yes.

1538. Are not those lands unwholesome?—Lands newly cleared are generally more unwholesome than those which have been under cultivation; the expense of clearing ought to be defrayed; it would cost, as far as I recollect, about two guineas per acre.

1539. Would there not be a great loss of life in clearing the land?—This should be done by the natives of the country; the expense might perhaps afterwards be recovered from the settlers.

1540. But the original clearing of the ground you would give to the blacks?—There is a race of people called Peons, who are generally employed in this work, even by the planters, as they understand it better than the descendants of Africans.

1541. Would the ground require much draining after being cleared?—Ground would be selected that would not require this.

1542. Those grounds are generally productive?—Generally.

1543. There is a great quantity of unoccupied productive ground?—Yes, a great deal.

1544. What is the cause of it?—The extent of country is so great, compared with the population.

1545. And a want of labour?—Yes, for the reasons stated.

1546. Would the labour of those convicts cover all the expense of the superintendence and maintenance of them?—I should think there is no sort of doubt of this, after the establishment was fairly set going.

1547. And the clothing?—All expenses; and I should look for there being a considerable surplus.

1548. At this moment the island of Trinidad is almost entirely supplied with provisions from the main land?—No; almost all that is wanted is raised in the country; some Indian corn may be imported for the supply of the population of the town, and for the feeding of horses.

1549. A considerable portion is imported?—Not very considerable; the planters raise provisions for their own people in all cases.

1550. Do you know the expense of fresh meat in the colonies?—I believe the contract price is 7 ½ *d.* per lb.

1551. Is fresh meat much used?—Not among the slave population; salt fish and salt pork are issued to them. Among the free inhabitants, fresh meat is in general use.

1552. Why is that preferred to fresh meat?—Salt fish and salt pork are cheaper, and mix better with the ground provisions. I think the negro population prefer the salt fish and salt pork to fresh meat.

1553. Do you not conceive, without any severe labour, the people of this country would think it a very dreadful punishment to be confined in the island of Trinidad, and fed as the slaves are there?—The confinement to Trinidad by compulsion, and the

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the assimilation of the food, would no doubt be a severe punishment; but not the being in Trinidad a free agent, nor the description of food.

1554. Would it be consistent with their good state of health?—The diet might require a modification for a time, to suit the European.

1555. In Demerara, or any other parts of the British possessions in the West Indies, is the supply of provisions so plentiful that it would not answer to raise them in Trinidad to export them there?—I think provisions, particularly corn, may be raised for exportation. I had this in view as part of the measure.

1556. You think there would be a market for any provisions that could be raised there, in the other islands?—I think there would be a market for any corn that could be exported.

1557. Why has not that been attempted before?—The price of labour is yet too high. Cattle are now being introduced for the purpose of supplying the island, and with the view to exportation; this is now proceeding upon a large scale, by the introduction of breeding cattle from Colombia.

1558. From your opinion of the fertility of the soil, very little labour would be necessary?—It is asserted that the labour of one person for one day would clear a sufficiency of ground to raise provisions for one year.

1559. Are the regiments supplied with salt provisions?—Four days in the week with salt provisions, and three days with fresh.

1560. Is that on account of their cheapness, or is it more conducive to health?—The salt provisions are most economical. At the same time the quantity of vegetables issued to the troops is so abundant, that salt food is not injurious.

1561. Have you ever served in Jamaica?—No; I have been there, but not on service.

1562. Is the climate of Trinidad, on the elevated spots, of such a nature as European constitutions could sustain, or would there not be a dreadful mortality?—I should hope nothing like what is generally supposed; the climate cannot be expected to be so healthy as a European one. In proportion as the ground is cleared in a tropical climate, the country becomes healthy.

1663. Would it be possible to find employment for gangs of convicts, to do all the hard drudgery of the colony, without at the same time exposing them to very great mortality?—I think they might be employed upon the roads, and in other kind of labour, at certain hours of the day, without any bad effect on their health; and during these hours a European would probably do as much work as a slave would do during the whole working hours of a day.

1664. By a proper course of discipline the punishment might be made very severe, by making them work in irons, and then after their work is done shutting them up in their barracks?—It appears to me that this would be a very severe punishment; but it might be graduated according to circumstances.

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Mr. *Edward Gibbon Wakefield*, again called in; and Examined.

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1565. IS there any statement you wish to make to the Committee?—Yes. When I looked over the Report of the Evidence I had given, I found some of the answers crude and unsatisfactory, and I wish to explain one or two points. The first point on which it strikes me I omitted to say something that is of some importance, is as to the bad effects of remissions of sentence. I believe I had an opportunity of seeing several thousand persons who had received a sentence of some sort or other for one crime or other, and in a great majority of those cases the sentence was not fulfilled. In the capital cases the remissions are as nine to one in London; and if the remissions were only as one to nine, the persons affected by a sentence would dwell upon the exception. Such persons always look forward, if they expect any punishment at all, to the least instead of to the greatest punishment usually inflicted for a given offence. As to the hulks, there can be no doubt that the almost universal remission of sentence there has a very bad effect; I believe it is very seldom that any person remains in the hulks during the whole term of the imprisonment to which he is condemned. A question was asked me as to the class of persons from which criminals spring generally in London; the answer was, that the greater proportion of them sprang from parish apprentices, I wish to add to that, that the greater number of regular criminals in London go through certain nurseries; the greater number of regular thieves in London begin thieving when boys.

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1566. Trained up from infancy?—Yes, trained up from infancy. I wish to add to that, that London abounds with places in which children are systematically trained to commit robberies. A case of the sort occurred in the last week. Two women were apprehended and carried before the Magistrates at Guildhall, charged with having seduced a boy who was an apprentice to some business, to rob his master, by offering him at first bribes of fruit, and then giving him small sums of money for the articles which he stole from his master's shop; those women were not charged with the crime of seducing to crime, and I believe there is no Act of Parliament by which persons can be punished for seducing others to commit crime; as receivers of course they are, but as seducers there is no law by which they can be punished at all. I am quite satisfied that the most fruitful source of crime in London is those nurseries, one of which is to be found in every quarter of London.

1567. You have reason to know that fact?—Yes, I am quite sure of it.

1568. What is the corrective you would propose for that evil?—The offence must be defined by Act of Parliament. I at one time knew the names of a dozen individuals who lived entirely by that trade, keeping a shop, and appearing to follow an honest calling, but occupying the whole of their time by persuading indigent boys, and other boys not indigent, but living with their parents or their masters, to commit crimes, commencing by a purchase of fruit in their shop, and I am satisfied that the police hardly ever interfere with those persons; they carry on their business with perfect impunity, and even without disturbance.

1569. By a positive enactment, you would make it a crime to seduce a person to commit a felony?—Certainly. It would be very easy to root out those persons by means of a police officer residing in Newgate, and the schoolmaster in Newgate could always furnish the police with a list of persons who live by that trade, and they would be rooted out, for as to them no severe punishment is necessary; it is only disturbance that would be necessary. If a police officer resided in Newgate, he must reside there as a prisoner. I knew a great deal more of the state of crime in London than the keeper of Newgate did, with all his experience and means of information, because the lips of the prisoners are locked to him.

1570. Are those places where the boys receive instruction in thieving also receiving-houses for stolen goods?—In some cases they are. I think I ought to suggest to the Committee that it is desirable that what I have said relative to the schoolmaster of Newgate should not be printed, because it may immediately find its way into the newspaper usually read by thieves, and they would immediately be made acquainted with it.

1571. You have just mentioned the thieves newspaper; what is the name of it?—The paper most commonly read by thieves is Bell's Weekly Dispatch.

1572. What is the use of it to them?—It contains minute police reports, reports of trials, accounts of fights, and what is called the Fancy; and is in many respects a very clever paper. I was asked whether the hulks would be susceptible of a good system of prison discipline; I answered that I thought it would. I ought to have added, that the trouble of administering a good system of prison discipline in the hulks would be very much greater than in a prison.

1573. Did you ever go on board the hulks to inspect them?—No, I did not; but I disliked the answer I gave before without that addition. I was also asked as to indulgences in the hulks, and I said I believed there were many indulgences. Not having seen the hulks myself, my principal reason for supposing indulgences are allowed is this, that I used to receive frequently applications for money from persons in the hulks; persons I had taken some interest in, or their wives and families, whom I had seen in a state of great suffering, asking me to send the money to some person in the neighbourhood, and not to any person in the hulks; so that I conclude they have the means of obtaining money from persons in the neighbourhood, and of enjoying that money. I was also asked as to the effect of transportation to an unwholesome colony, and I wish to remark upon that point, that transportation to the most unwholesome colony could not be so severe as was the system of transportation when first instituted as to New South Wales. During the first four or five years of the existence of that colony, the contracts for the transportation of prisoners were made for so many embarked in England, not for so many disembarked in the colony; the consequence was that the captain of the transport had a direct interest in killing his prisoners, and the fact was that, as to a great number of ships, one-third; as to a considerable number, a half; and as to some, two-thirds of the prisoners died on the passage.

1574. Is that an established fact?—Yes, it is a well-known fact; I derive it from books

books and various sources. It was a very severe punishment indeed; it was capital punishment as to a very large proportion of the persons sentenced to transportation: it was much more severe as a punishment than transportation now would be to the most unwholesome colony we possess.

1575. Did you ever hear what those deaths were attributed to?—The scurvy generally, dirt, and want of fresh food.

1576. The mode of making the contract is altered now?—Yes; and the change in the contract at once stopped that mortality. When I expressed an opinion that a great diminution of crime might be brought about by a good system of punishment, I also expressed an opinion that great service would be done by the institution of a perpetual court; I ought to have added, that by a perpetual court very little good would be done without a system of public prosecution; the system of private prosecution is perfectly understood by the London criminals. The main occupation of a regular criminal when he enters Newgate is, to devise means for tampering with his prosecutor, either by restoring the goods stolen, or by bribery, or, in a great number of instances, and perhaps nearly in all capital cases, by appealing to his feelings of humanity; the consequence is, that in a very great number of cases there is no real prosecution, though there be a formal one. The way to account for the number of formal prosecutions, not real ones, is this: the prosecutor enters into recognizances which he is afraid of forfeiting, when, therefore, he has been tampered with, or his feelings of humanity excited, he goes through the form of a prosecution, but frames his evidence in such a manner as to procure the acquittal of the prisoner.

1577. Might not that be equally done if there was a public prosecutor?—It would be much more difficult; the prosecutor, in the first heat of anger at being robbed, takes the prisoner before a magistrate, gives evidence that procures his commitment for trial, and is afterwards persuaded to vary his evidence to save the prisoner; if the prosecutor were merely a witness, and had given his evidence in the first instance, the public prosecutor would take care, if he varied his evidence much, that he should be prosecuted for perjury.

1578. The depositions are always handed over to the judge?—I am aware of that; but that can have very little effect in London, where the average period allowed for the trial of each person is, I believe, about eight minutes.

1579. Do you mean to say, that those formal prosecutions, in which it is meant to procure an acquittal, take place frequently?—I have not a doubt of it.

1580. And you think that the evasion of prosecution is part of a regular system?—Yes.

1581. Part of the education of a thief, and not the result of any peculiar sagacity in any particular case?—It is the regular system with every prisoner in Newgate, from the boy of 14, upwards.

1582. Are there not solicitors who are employed by the prisoners for that purpose?—Yes; when there is money to pay them, they conduct it.

1583. Is it not singular that that should be the case, as to formal prosecutions, when there is such a large proportion convicted?—In capital cases the proportion convicted is less than half. In that case there is an additional method of tampering with the prosecutor, by appealing to his feelings of humanity.

1584. Do you think there is much resort to the subornation of witnesses?—A great deal.

1585. Are you aware of the great difficulties of procuring a conviction for perjury?—I know that the legal difficulties are very great, and it is very rare a conviction is procured.

1586. Do you not conceive that that is a very great protection to the parties guilty of the subornation of evidence?—I have not reflected enough upon that point to be able to give an answer with any confidence.

1587. Do you not consider that a witness, who is going to perjure himself, does it with a very full assurance in his mind, that he shall not be convicted, if tried for it?—Yes, I am sure of that; because among the criminal classes, when one of them asks a prosecutor to perjure himself, he knows he asks him to do something to wound his conscience, but not to expose him to danger.

1588. Do you consider, that in the court you propose to sit daily, there would be any difficulty in obtaining the daily attendance of jurors?—That is one difficulty, but that might be obviated by giving summary jurisdiction to a judge; it is ridiculous to see boys of eight years of age, in their pinafores, when carried out of the school

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into the gaol, holding up their hands to be tried "by God and their country," before a jury at which they laugh, and of which they know nothing.

1589. How young have you known them tried?—There was one seven years old, for pig-stealing, and another eight years old, for horse-stealing.

1590. Was the latter convicted?—I think he was acquitted: he was in Newgate five or six times while I was there; I have met him in the streets since, and he always takes his hat off to me, and makes me a low bow.

1591. What age is he now?—Twelve years.

1592. Do you know anything of his parentage?—He was a parish apprentice to a chimneysweep. Several of the questions put to me on my last examination related to the severity of punishments; I wish to explain, that upon the minds of the thieves of London in particular, the severity of the punishment for the actual offence has little or no effect in preventing the criminal punished from resorting again to a criminal career, because the nature of the punishment has nothing to do with the certainty of punishment, or the propinquity of the punishment: in other cases of crime the circumstances of the punishment would have little effect upon the criminal's mind, unless means were taken to render the infliction more certain and more rapid as a consequence of crime. Out of the thousands of persons whom I saw committed for various crimes, the great majority consisted of persons whose crimes had been robbery of one sort or other, taking other people's property: in those cases the motive to the crime was evident; it was the enjoyment of other people's property. Looking at that motive, and observing in every instance that it might be very clearly defined, it struck me that the best possible punishment, and one that would be effectual if duly administered, would be something that should in every case deprive the criminal of the expected fruits of his crime. From that I was led to observe, that in hardly any case does the person who commits a depredation expect to enjoy the reward of his crime for more than a year, in most cases only a month, in some only for a week, and in a very great number only a day: except in large forgeries, the prisoner does not expect to enjoy the reward of his crime more than a year; and if the punishment deprives the thief of the fruits of the robbery, it would be an effectual punishment, the motive for the robbery would be removed. It appears to me, therefore, that a year's imprisonment, supposing imprisonment to be made a punishment, would be an ample punishment almost in every case, if its certainty and propinquity could be assured.

1593. What description of imprisonment?—Severe imprisonment, unmitigated suffering, without partial enjoyment; I say that now, to express the deep impression made upon my own mind of the necessity of making punishment more sure, and more rapid as a consequence. It appeared to me that the nature of the punishment is a question of comparative indifference, and in order to render it as effectual as possible, every means ought to be taken to make it certain, and in every case immediate, as a consequence of the crime.

1594. If there were any means that could be adopted of confiscating property so acquired, would not that be of use in preventing crime?—Yes, of course; if means were taken to take it out of their hands, there would be no motive for the robbery.

1595. Is it not the fact that persons who have been sentenced to transportation for committing frauds, or embezzlements, have actually enjoyed the fruits of their crimes while undergoing their sentence in New South Wales?—All I know upon the subject is, that under my own observation there came a great many cases in which the persons who had committed robberies boasted that they possessed the property they had obtained by robbery, and that they intended to provide for themselves comfortably in New South Wales; I have seen them occupied in making arrangements by which they could remit money from England to Sydney, placing it in the hands of a merchant there; and they spoke of the manner in which they meant to apply it, which was by paying the settler a certain weekly sum for their liberty, so that they might remain, though nominally servants, yet really at liberty.

1596. Might not that be the produce of former robberies?—No; they are generally a very reckless set, and do not take much care of what they get.

1597. Does any mode occur to you by which that might be obviated?—Yes, there are a great many modes; one, would be a better mode of detection; another, an improved system of preventive police, who would seize them, perhaps, the day after the robbery was committed.

1598. Suppose a man to have got 100 *l.*, would it be possible, by any regulation in the colony, to prevent that man having the enjoyment of it?—I think it quite impossible.

1599. Do

1599. Do you think it possible, on this side of the water, to establish any mode of restitution; suppose a man is discovered in shoplifting, or stealing an article from a shop, could that man be employed in labour, and the profits paid to the man whom he had robbed?—Yes; that might be done, no doubt. There is a regulation in the colony by which the Governor is enabled to take away from convicts any money he may find in their possession; but this regulation is constantly evaded, by the money being remitted through the hands of merchants who lend themselves to such transactions.

Mr. *E. G. Wakefield.*

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1600. You are of opinion, when the punishment does not immediately follow the conviction, that its remoteness does away with the terror in the mind of the prisoner, compared with immediate enjoyment upon commission of the crime; and that if the prospect of immediate punishment was presented to the mind of the criminal, he would be likely to be deterred?—Yes; I have no doubt it would have a very great effect upon his mind.

1601. Have you ever considered the effect of the statute that allows magistrates to commit persons generally as rogues and vagabonds, and reputed thieves, or persons that cannot give any account of themselves?—It appears to me a very good Act of Parliament; but the magistrate's hands ought to be strengthened: it is the very best Act for the prevention of crime, and the only one; it is the only Act that enables the magistrate to interfere with notorious thieves, and prevent them from congregating in London, and in haunts where receivers of stolen goods attend to induce those who have been unlucky or inactive this day to be more active the next.

1602. In the observations you have been making respecting criminals, and the effect of transportation, do you confine yourself to the London thieves?—Yes, entirely.

1603. Are there many receiving-houses for stolen goods of any consequence in London?—Yes, there are.

1604. Do you conceive they would be easily rooted out?—Very easily.

1605. Do you conceive that the marine store shops, generally speaking, are receiving-houses?—Frequently they are.

Major *Edward M'Arthur*, called in; and Examined.

1606. YOU state in your paper, intituled "A Letter on the present System of Transportation to New South Wales," that a great portion of the convicts who are sent out there are men of education, respectably connected, who had become criminals not from ignorance but in consequence of a long course of sensual gratification, and you also advise that those persons should not be sent out to New South Wales; do you mean to state to the Committee, that no means could be devised of inflicting severe punishment upon those individuals when they arrive there, so as to render them less noxious than they are at present, and also to deter other persons from the commission of similar crimes for which they have been transported?—I think it would be very difficult indeed, and they would at all times have a dangerous effect upon the colony itself, after the period of their service had expired.

Major *Edward M'Arthur.*

1607. You adhere to your opinion, that those persons ought to be punished in this country, by imprisonment in the Penitentiary, or some other mode of imprisonment?—Assuredly.

1608. You state also, after giving an account of the manner in which the convicts are treated upon your father's estate, that that is, in your opinion, a sufficient punishment; do you not think it would be highly expedient if the convict, immediately upon his arrival there, was sent invariably to the road gangs?—I do not think it would answer; the machinery to enforce the requisite discipline and labour would be very expensive; the government has not the means of doing it. Some inconvenience and injustice would result from it, for all the prisoners must be worked alike, without reference to conduct or character, which is more developed under private management. Amongst the Irish, for instance, are men of the worst and the best description, of whom the latter make most valuable servants; there are instances of their having been more than 20 years in the same service. Originally they had probably been excited to do ill by local circumstances. They carry no moral taint about them, and would spurn to do a dishonest act. I have endeavoured to show, in a paper I will submit to the Committee, the profligacy and vice that in my opinion will

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will always exist amongst large bodies of prisoners in the employment of Government; it is not the case in the same degree when dispersed. The working the men at first in road gangs might be productive of some good, but it would be counterbalanced by the convict being rendered more corrupt and hardened in vice, learning the modes of evading punishment in the colony, and the various channels by which fraud and robberies are committed without the probability of detection.

1609. If he knew before he committed the crime he was to be put into a road gang, would it not deter him in a great measure?—Yes, no doubt it would; but as under any circumstances a road gang must exist in the colony, I think the best mode is to consign the prisoners to such of the settlers as have the necessary frame-work of order upon their estates, to regulate and discipline their convicts; a certain portion of the most refractory and corrupt would be afterwards returned to Government, and if they were well managed, they would always be a terror and warning to the others.

1610. Are you disposed to acquiesce in the opinion that the punishment inflicted in New South Wales is not severe enough?—With some few individuals it may be too severe, with others not severe enough; it is unequal.

1611. Generally speaking, do you consider it any punishment at all as to the prevention of crime?—As a prevention of crime, some persons think it may not; but in the great majority of cases of those who are worked, it is really a punishment, and until a man has been a considerable time in the service of the settler, and removed to places of less labour.

1612. Is it not a fact that if a settler wishes to get any efficient service from the convict, it is his interest to make the convict happy and comfortable in his situation?—It is, no doubt; but that will always be more in operation with the small settlers than the larger class.

1613. Is it not also the fact, that the settlers residing up the country, at a distance from any other settlement, is so much at the mercy of his convicts that if he was to become a very severe taskmaster he would be in danger of his life?—I do not know that his life would be in danger, but to a certain extent his conduct must be regulated by them. A collision of interests will arise from contact, and angry feelings will be the result, and the convict ceases to look upon his master with respect; he must be made to feel that he is fairly dealt by.

1614. Have there been any instances of masters being murdered by their convicts?—I never heard of any.

1615. Is labour so valuable in New South Wales as to render it probable that the settlers would undertake to pay the expense of the passage of convicts, or to make an annual payment to the Government, for the benefit of their labour, provided the convicts were articled to them for a certain number of years?—I do not think there are at present a sufficient number of wealthy settlers in the colony to do so. It would never answer as a system, although some few perhaps might be found who could afford it. But Government may lay down a system that will encourage capitalists; had it been done some years since this system might now be in full operation.

1616. The object of the inquiry of the Committee is to render the punishment of transportation more efficient, and not to consult the interests of the settlers?—I am aware that it is; but here the interests of the parties should be made to coincide with the objects of the Government, and I think in so doing the system might be rendered more efficient as a punishment.

1617. You are decidedly of opinion there are not above three or four settlers or proprietors in New South Wales who could afford to pay an annual sum for the labour of the convicts?—I think so.

1618. In your plan, in assigning convicts to proprietors before the convicts leave England, so that they shall be marched to their different estates immediately on their arrival, do you wish the Committee to understand that those opulent proprietors cannot afford to pay to the Government a remuneration for the services of those convicts?—I do; because, although they may have the means of maintaining a considerable number of persons on their estates, they consume that which is of little value to the proprietor. The pound of meat, for instance, one part of the daily ration of a prisoner, sells but for a penny or three farthings; it would go but a little way towards defraying the expenses of his passage: besides, how could the settler venture to undertake to pay the expenses of a person who to him might be altogether unprofitable; some of the convicts would be utterly worthless.

1619. It costs 25*l.* to send out a male convict to New South Wales; do you not think

think that the settlers could afford to pay that sum by instalments, allowing them four or five years to do it?—Then some of the other taxes must be remitted.

1620. Supposing they had no convicts at all?—I think, in the present circumstances of the colony, it would be utterly ruined.

1621. Could not they afford to take out free labourers?—I doubt whether that could yet be done to any extent.

1622. Would not the system you propose tend to give the large proprietors the entire monopoly of the convicts?—Yes; to a certain extent it would, and until their estates were supplied, which, under a proper system, would soon take place.

1623. In the meantime the small proprietors, who are the large proportion of settlers, would go without?—Yes; but it is but a choice of evils: if you give the convicts to the small proprietor, he cannot control them; but the object of the inquiry is, how we are to abate the evils that exist, and render transportation a punishment.

1624. That is the system now?—Yes, it is; and while they are able to obtain convicts, the large estates are greatly distressed for want of labourers. I have a letter in my pocket, of very recent date, showing, that after frequent applications had been made for labour, two convicts, and only two, were sent to my father's estate, of a number then arrived in the colony; they were the only bad characters in the vessel, and had been reported as such. I mention this to show merely that the system of distribution, which I understand happily no longer exists, was defective. The large proprietor (instead of coming personally to Sydney and having recourse to the various modes, through underlings and others, by which, notwithstanding the vigilance of their superiors, the prisoners are passed by some management or other into improper hands) is compelled, from the necessity of his presence upon his estate, to apply by letter at a distance. Surely, when a proprietor has given earnest to the Government that the machinery upon his estate (if so it may be termed) is fully effecting the great objects of transportation, it ought not to be permitted to stand still for want of employment.

1625. What is paid for free labour?—There is a very small quantity of free labour.

1626. They pay 20*l.* a year, do they not?—I believe that is the price for a labourer. There are on my father's estate from 130 to 150 convicts employed, and there are not more than four or five persons who receive pay as labourers for free labour; but, as I have before stated, I have no return of the number and condition of the persons at present there. From a return of 1824 it appears that there were,

Europeans	7	
Colonists	7	
Free by servitude	22	
Free persons		36
Conditional pardons or tickets of leave	5	
Prisoners for life	22	
Ditto - for 14 years	74	
Uncertain	46	
		147
Women	8	
Children	13	
		21
Making together		204 Persons.

1627. Has not the circumstance of the colony not returning so much as it might, arisen from the difficulty of obtaining sufficient hands?—Yes; the great evil is, the want of labour generally, whether free or convict.

1628. Is it not a fact, that convicts very often, upon their arrival at Sydney, are in possession of considerable sums of money?—It may so happen; I think it very probable.

1629. Such money being the fruits of their dishonesty before they left this country, would it be possible to adopt any mode by which such property could be seized and confiscated?—I think it would be very difficult; any property he did acquire afterwards should be confiscated, but such a regulation would defeat its own end; perhaps

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haps the only mode would be to place him in a situation where he could not spend it. Solitary confinement, till restitution were made, might have the effect.

1630. You recommend a general distribution of the convicts?—I do; they should be distributed as widely as possible, consistent with control.

1631. If discipline is only to be found among the large settlers, how would it be possible to effect the distribution of so large a number of persons?—At first the excess, after supplying the demands of those who had capital, must of necessity fall into the hands of the smaller class of settlers; but by the adoption of the system I point out you would create in the colony, or invite to it, a body sufficiently numerous to take the entire number of convicts from Government, and probably at last pay the whole expense of transportation. What I state is no speculative scheme. Here is a return of shipment of wool made in the present year of 31,381 lbs., part of the yearly produce of my father's estate. I have already shown how many persons he clothed and fed. I know that coporeal punishment was of most rare occurrence; It was the effect of system, and the assurance entertained by the men, that while they must be diligent in their several callings they would be treated justly, and with that degree of respect that is due to every human being however fallen.

1632. Is it not desirable to encourage small settlers?—No doubt it is; but how can you do that, and at the same time effect the great objects of transportation?

1633. They are not in a state of punishment when in the hands of the small settler?—He has not the means of controlling them.

1634. You have stated that your father has upon his estate 150 convicts?—Yes; in 1824 he had.

1635. And not more than three or four free labourers?—No; I cannot speak with certainty, probably not more than three or four labourers who are free; but that does not include the class of trusty shepherds of the most valuable flocks, overseers and others.

1636. The number of freemen is very small?—Yes, very small. The returns that the estates make in that country will not afford to pay for free labour to a great extent; I speak generally.

1637. Is that estate of your father's at a considerable distance from any other?—Yes, it is a considerable distance from any town.

1638. Is there not a greater liability, in case of those convicts showing any degree of insubordination, from their numbers, of their controlling their master than if there were but few?—I can only speak of what is the result of my own observation. Military men know, that when a regiment is in good order or otherwise it has reputation accordingly; so it is with the colonial estates, and whoever has visited New South Wales will bear me out in stating, that they are well managed under the system which I have explained, and that I advance no more than what is due to the exertions of my family for the prosperity of that settlement. Vines and olives, with fruits and flowers, they have introduced from every part of the world. Horses, sheep and cattle, cover the native pastures that are become their property, and whoever could contrast the present scene to its original wild state will not think I am attributing more to them than they merit.

1639. Is not the colony chiefly peopled by small settlers?—I believe there are not more than 15,000 free inhabitants altogether, and the greater number are small settlers, certainly.

1640. When you say small settlers, how many acres of land do you think they possess?—I am not sufficiently acquainted with the locations to say.

1641. It has reference more to their capital?—It has.

1642. Do you apprehend that the state of the convict is easier as to his labour in the towns than in the country?—In the towns he may be said not to labour; upon the estates he must.

1643. But there he does not labour more than an agricultural labourer in this country?—Perhaps not; compulsory labour, under no possible system, can be made equally productive with voluntary labour; but he is kept constantly at work, and cut off from all his old associates.

1644. Is there any difference in the severity of the labour made in the colonies between persons sentenced to a limited period, or those sentenced for life?—I believe not; I think they are all treated alike, except some persons who are reported as the most incorrigible characters.

1645. Are you of opinion that tickets of leave should be altogether abolished, or placed

placed under different regulations, and granted upon a much more limited scale?—They should be placed under very different regulations. To abolish them altogether might be hard; but perhaps there are too many facilities for obtaining them at present.

1646. And you think they should only be obtained for very meritorious service?—I do. I beg to urge the policy of introducing free labour into New South Wales; but if done too suddenly, it may produce great disappointment and distress to the parties. Proceed gradually; introduce one hundred the first year, two hundred the next, and supply the demand as it is absorbed.

1647. If free labourers were sent, should they be of the class of artizans and mechanics, or mere agricultural labourers?—Both classes; I should say artizans chiefly; they would be absorbed sooner, they are naturally more in demand.

1648. Are shoemakers much in demand?—No, I think not; to a certain extent no doubt they are in demand, but carpenters, bricklayers, stonemasons, blacksmiths, &c. are the persons wanted.

1649. The convicts answer the purposes of agricultural labourers?—They do; but there has unfortunately gone abroad a notion, as is often the case in regard to colonies, that the condition of the people is infinitely more prosperous than it really is. There are some half dozen persons living in considerable ease and comfort no doubt, but you cannot thence draw a comparison as to the general state of the circumstances of the society. Here is a Return of executions by the sheriff, from the year 1825 to 1829:

In 1825:		
Executions against persons or property	107	
Mesne process	166	
Summonses	283	
		556
In 1826:		
Executions against persons or property	129	
Mesne process	231	
Summonses	250	
		610
In 1827:		
Executions against persons or property	216	
Mesne process	240	
Summonses	464	
		920
In 1828:		
Executions, &c.	456	
Mesne process	329	
Summonses	964	
		1,749
In 1829, in 10 months:		
Executions, &c.	670	
Mesne process	251	
Summonses	1,305	
		2,226

Martis, 23° die Augusti, 1831.

William Burge, Esq. a Member of the House, Examined.

William Burge, Esq. M. P.

23 August 1831.

1650. YOU have resided some time in the West Indies?—I have resided 20 years in Jamaica, 12 of which I was Attorney-general.

1651. Do you think it would be practicable to employ any portion of the convicts sentenced to transportation in the cultivation of the soil in Jamaica?—I am clearly of opinion such a scheme would not only be very mischievous, but would be altogether impracticable; and I will detail to the Committee the grounds of that opinion. In an island like Jamaica, which in extent is about the size of the principality of Wales, with 360,000 and odd negroes, and about 3,000,000 of acres of land, about one half of which is in a state of cultivation, considering the small proportion there is of white persons to the number of negroes, it would be most mischievous to introduce amongst the negroes such a description of persons. A society like that I have described is held together by the mere influence of opinion, and that opinion would be completely destroyed if you were continually presenting, as would then be the case, to the negro population, that class of persons to whom they have been accustomed to look up as a higher order of persons, in the degraded state of convicts; it would tend very much to destroy the influence of that opinion which has the effect of keeping that species of society together. From the situation of Jamaica, and I am confining myself at present to that island, those convicts would of necessity be brought into contact with the negro population, because, on the uncultivated lands in the interior of the island, there is no purpose for which those convicts could be there employed. In the first place, you could not employ them in the cultivation of sugar, because those uncultivated lands are, in the high parts of the country, not congenial to the growth of sugar; besides which, you would have necessarily to settle a sugar estate, the cost of which would be between 30,000*l.* and 40,000*l.*, and I cannot imagine it can be in the contemplation of any system to employ them for such a purpose. The same observation would apply to any attempt to employ them in the cultivation of coffee, which is generally congenial to those high lands, because the settlement of a coffee estate and works would require a considerable outlay of money. As to the employment of convicts in the low lands of the island on sugar estates, independently of any condition whether they would be able to endure the climate, I am quite satisfied it would be most mischievous to employ them, even if proprietors were disposed to employ them, which I do not think they would be; they would be placed in constant and immediate communication with the slave population, and their intercourse with them would have any thing but a good effect on the conduct and character of the slaves. Now I have mentioned the two staple productions of the island, sugar and coffee: with respect to any minor articles that might be raised in the island, I should be extremely sorry to see introduced into the island any description of persons who might interfere with the employment by people of colour of their little capital in raising those minor articles; I mean arrow-root, and various other things of that description that at present furnish the means by which the people of colour cultivate small portions of land. It should be observed, there are no public works in Jamaica upon which convicts could be employed; all our forts and barracks are complete; convicts would not be required for any purpose of that kind. With respect to the roads of communication, they are kept in order by the slave population; no convicts would be required for that purpose, even if it were politic to exhibit upon the roads the white population in that condition. In short, it is a scheme quite unsuited to the state of society in the colonies, of which the number composing the slave population is so large compared with the white population.

1652. It has been stated to the Committee, that upon certain table lands in Jamaica, in a very elevated situation, and where the climate is at a much lower temperature than in the low lands, the soil might be cultivated with advantage for European

European products, for instance, wheat?—We have had in Jamaica botanical gardens in elevated situations, where we have tried to raise European corn and fruits, and though we have a temperature of 72 and 76 to contrast with the temperature in the low lands of 92 and 96 and 100, yet even in those elevated situations you cannot raise European fruits and vegetables; the truth is, you have no winter, and without the winter you cannot succeed in raising a great proportion of European vegetables or fruits. With respect to the Guinea corn, very elevated situations are not adapted for the raising that description of corn; it grows in the low lands: and besides that, there is another very great obstacle that would oppose the cultivation for minor articles of the high lands, and that is this, the distance from the shipping place. It would be attended with great difficulty and expense to convey articles down to the market, and even if they are for the use of the island, you would have to bring them down a considerable distance of very steep roads. A great many years ago, there was a part of the island of Jamaica, near Black River, supposed to be congenial to the raising of rice; it was a marshy sort of a place, and a colony of Dutchmen went out there, and those persons almost all died in a very short time: their object was to settle it in rice; it was considered suited for rice.

1653. Did it produce any rice?—No; rice has been tried there, but it does not answer.

1654. Do you think that the experiment of cultivating land by convict labour could be tried with success in any of the other islands, Trinidad for instance?—I think not; I think there is a very great objection to the introduction amongst a slave population of white persons in the state of convicts; the moral influence would be such as very much to tend to retard the progress of the slave population in civilization, and it would lead to disturbances of the public peace. I think it extremely dangerous as a political measure.

1655. Do you think any danger of that kind would arise in any island where the slave population is so small as in Trinidad?—The cultivated part of Trinidad lies in a very small space; you may ride over it in six hours, therefore you bring the slave population in contact with those convicts.

1656. But your objection rather applied to the danger of a rising among the slaves, but in so small a population of slaves as at Trinidad, and the facility of bringing a considerable force, do you think any danger of that kind could arise?—I think so. Unless you had public works detached from the town, you would have to bring them very much in connection with the slave population, you would have to assist them in their labour with the slave population, and the latter would have them constantly before them.

1657. It would be quite impossible to employ them at a distance from the slave population?—Quite so.

1658. What objection have you to the plan of forming a settlement at a distance from the cultivated parts of the island, at which the convicts might raise supplies for themselves?—Recollecting the history of the maroons in Jamaica, as well as other establishments, these places would become the resort of slaves running away from their employers. The number of runaway slaves found amongst the maroons was very great, and the formation of establishments in the interior of the country has on many occasions contributed as well to the scene which took place during the maroon war, as to other instances of lawless assemblies of slaves.

1659. In this case it is not contemplated that these persons should be living as free persons, but under a state of constant discipline; would it not be impossible that slaves could be with them without the Government knowing it?—If you had a police in the colonies conducted as well as that in England, the answer would be satisfactory. In the island of Jamaica we have our various workhouses, but still there is great difficulty in maintaining that strict vigilance and discipline which are requisite.

1660. If you were to trust entirely to the means of the colony for establishing a police that might be the case, but in New South Wales there is a considerable police kept up in the colony for the purposes of this country, not for the colony; if there was a colony established at Trinidad, there would be a considerable police kept up at the expense of this country?—The military force would be inconsiderable; it would

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depend very much upon the detail of any plan of police whether you would be able to succeed in preventing a communication between the slaves and the convicts. Suppose in the high lands you form an establishment under a state of discipline so as to prevent all possibility of access, it may be done there, but I doubt whether you would have any employment or any means to compensate you for the expense to which you would be obliged to resort. In all the other islands it would be quite out of the question; there are no uncultivated lands in any of them.

1661. In the high lands, would it be possible for an European to bear the climate?—Yes; but I do not see how you are to employ them there; you cannot get corn or barley to grow there.

1662. If those high lands were cleared of timber, would not herbage grow for sheep and cattle?—There are parts that are employed as pens; it is a very common thing; though there are grazing pens in the mountains, yet the cattle, in order that they may be fattened for the butcher, are sent down to the low lands and fattened there; the grass in high lands is not of sufficient substance.

1663. How far would the temperature of the climate affect the health of the convicts?—There are parts of Jamaica where the climate is preferable to England.

1664. Upon the table lands?—In the mountains the climate is very good: we see that in the station at the Maroon town, where some of the troops are; when the soldiers are removed to the low lands, they are subject almost to the same attack of fever as Europeans on their arrival in the island. The moment an European arrives, unless he is very fortunate indeed, he is attacked with a fever, and it is very often fatal; and it is very singular, that in the case of the troops stationed at the Maroon town, when they go into the low lands they are subject to the fever just as much as if they had just come out of a ship from Europe.

1665. Do you think it would be advantageous to the island, with respect to what are called the educated convicts, the persons there is so much difficulty in disposing of, if some plan could be contrived of commuting their seven or fourteen years transportation, which implies penal labour, for perpetual banishment without penal labour, to the West Indies?—The same objection would apply to that; I should be sorry to see them introduced into the colonies. In the small islands the negroes would be in communication with them. Taking all the range of islands from Jamaica to Barbadoes, excluding Jamaica, you may ride over them in two hours.

1666. If those persons found they were banished, do you not think they would seek employment as clerks?—No, I think not; I am very anxious to see the coloured population employed; they are increasing very much, and I should be sorry to see any white population imported into the island to engage in any services which the coloured people could perform; I would not interfere with the means which they possess of being employed in such situations.

Joseph Marryatt, Esquire, a Member of the House, Examined.

Joseph Marryatt, Esq. M. P.

1667. ARE you acquainted with the island of Trinidad?—Yes; I have been there myself.

1668. You have heard the evidence given by Mr. Burge; are you of opinion that a convict population could be employed with advantage in the island of Trinidad?—I think the project is impracticable, chiefly from the climate, for if those convicts are to go out and be employed in hard manual labour they will die; they cannot survive in that climate with hard labour. If they are to be kept in irons, the moral effect would be very bad. If the slave population see a white man working as a slave, the whole frame of society would be disorganized, and very great danger would arise.

1669. Are there not table lands which are healthy?—There are no table lands; there are mountainous districts, but they are covered with wood. I do not believe that one tenth part of that district is known to the inhabitants, it is almost inaccessible.

1670. Could

1670. Could not portions of those districts be cleared by the convicts?—The convicts could not do the labour; even the slave population is not employed in it. The persons employed are peons, the natives of the country.

1671. You think the effect would be so prejudicial to their health they would sink under it?—Yes, it is very laborious, and there are continual accidents.

1672. Is it not the case that the negroes are not employed in that labour because their labour is more valuable?—No; the slaves would be employed if they could do the work; because the peons cannot be depended upon; they come one day and go away for two or three.

1673. Do you mean to say that the men must be trained up to it?—They are bred up in the woods, and they can do it in a manner that no negro can.

1674. Do you think it would be impossible to employ European convicts in that labour?—If for any considerable length of time, they would sink under it, in the woods, where it is extremely unwholsome.

1675. Are those woods for the most part in the interior?—Yes; it is the sea coast that is principally cleared.

1676. Supposing those districts to be cleared, could the convicts be then employed in the cultivation of the soil, with advantage to their employers?—I should think not; I do not know in what cultivation they could be employed.

1677. To raise European produce?—That cannot be done in a tropical climate.

1678. What distance are the uncleared parts from the shore?—The land is cleared for 20 miles inland in some places, and more or less in others, just according to the situation of the rivers to bring the produce down to the sea coast.

1679. Is there any produce that those elevated districts are capable of furnishing that might be raised by European convicts?—They might be employed in the cultivation of cocoa, as the labour is light; but at present that article will not pay the expenses of cultivation. Last year the cocoa planters would not pick the cocoa. While the present system continues of supplying the navy with foreign cocoa, it is impossible for the British cocoa planters to succeed.

1680. You stated that Europeans would sink under the labour; are you aware that the crews of the merchant vessels do labour very hard at Trinidad?—Yes; there is always sickness, more or less, among the crews, unless there are negroes employed to assist them. The sailors do work very hard certainly; but it is only for a short time, and in the healthy season.

1681. When the sailors do not indulge in drinking, is it found there is any unusual mortality among them in consequence of the labour?—If the captain of the vessel has any prudence he keeps them away from drinking, for when they go ashore up the different rivers on the flats, they suffer severely; while they are on board the ships they are generally healthy; but a great part of the trading in Trinidad is done in flats, that go up the rivers, and it is on these occasions they suffer.

1682. Have you been in Trinidad?—Yes.

1683. Much?—Not much; it is 20 years ago.

1684. You are aware that these questions are put to you in order to ascertain whether punishment, very severe, but punishment short of death, might not be inflicted by transportation; it is not with a view to the transportation of all convicts, but those convicted of crimes of a deeper dye?—If convicts of that sort were to go out to Trinidad, they would be kept under severe discipline.

1685. Yes, and every possible care would be taken in the preservation of their health; but at the same time it is meant to deter from the commission of crime?—I conceive there would be a great difficulty in keeping them distinct from the slave population of the country; if they were not, it would be very injurious to them. If emigration of families could be encouraged to Trinidad, it would be very beneficial; there are large natural savannahs where they could be employed with great advantage in breeding stock: I should be happy to locate a number of such settlers.

Joseph Marryatt, Esq. M. P.

23 August 1831.

1686. Does it appear to you that any means may be devised by which convicts may be employed in the island of Trinidad, so as to inflict upon them a severe punishment, but at the same time a punishment that should not be fatal to them, and which should also be of a nature in some degree paying the expenses incurred in sending them out?—I really do not think it practicable; I do not see how it can be done: my present impression is, that the thing is impossible.

APPENDIX.

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APPENDIX.

Appendix, No 1.

OBSERVATIONS and Suggestions relative to the present and future Treatment of Convicts in *New South Wales.*

No. 1. Treatment of Convicts in New South Wales.

IT appearing that the punishment of transportation to New South Wales has ceased to be regarded in the mother country as of so severe a character as to operate in the prevention of crime, I propose, in this paper, to enter into a short examination of the treatment of convicts after their arrival in that colony, in order to point out what may appear faulty in the present system, and what measures would tend to restore that salutary dread with which the punishment was at one time regarded.

In doing this, it will be convenient to divide the convicts into four classes ; viz.

First. Those persons who have not been accustomed to and are disqualified for manual labour.

Secondly. Mechanics of a description whose services are much in demand in the colony.

Thirdly. Labourers, including not only labourers in husbandry and common labourers, but mechanics and tradesmen of a class whose employment in their respective trades cannot be turned to good account in the colony; and,

Fourthly. Female convicts.

The first class of convicts, consisting chiefly of clerks and persons in that station of society, has always occasioned much embarrassment to the colonial government. The employment of many of them in public offices has confined their residence to the towns, where they have always had an opportunity of finding profitable employment in their hours of relaxation from the light duty they were generally required to perform ; and as, from an unwillingness to force them into an association with the lowest class, by confining them in the common barrack, it has been usual to allow them to provide themselves with lodgings : their situation has, in most cases, been so comfortable as to be divested of almost every appearance of punishment. Others of this class have been allowed to be assigned as tutors or clerks in the families or establishments of settlers in the country ; but a number have always remained upon the hands of government, for whom no suitable employment could be provided.

For the latter, and for the few convicts who had moved in a higher station, an establishment was formed by General Darling in the interior, where the chief object was to find them light employment, or if this was impracticable, merely to keep them removed from the temptations to crime, and the opportunities for licentious indulgences afforded by the towns.

The establishment at Wellington Valley, which combined this object with the management of the government live-stock, having recently been broken up, in consequence of orders to that effect from England, and the country in that neighbourhood having been thrown open to the occupation of settlers, the government have no longer the advantage of this mode, which was the only one ever yet devised for the efficient punishment of the class of *gentlemen convicts.*

As a separation from their former associations, and from all opportunities of indulging vicious propensities, is perhaps the only means of effectually punishing this class of offenders, it is much to be feared that transportation to New South Wales will never be found adequate to its accomplishment. The local government have no means of effecting these objects, which are not more available in England ; for it may be doubted whether, should even another establishment for their separation be formed in the interior, its effects would be equally beneficial with those resulting from solitary confinement.

With regard to the colony itself, there can be no doubt that many of this class of individuals have not only been useless, as furnishing during their servitude no part of the labour which is the only compensation to the colony for the vices of its convict population,

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but many of them, after the expiry of that term, having accumulated wealth by their superior talents and acquirements, have placed themselves at the head of a party which has opposed itself to the government, and regards with feelings of hatred every free person who avoids an association with them on equal terms.

The transportation of this class of offenders, therefore, while it inflicts a great evil upon the colony, affords no means of effectually punishing their crimes during the period of their bondage; and so great are the means of bettering their circumstances by enterprize and industry after its expiry, or after a prescribed period of good conduct, that the dread of incurring the sentence certainly proves, in the majority of cases, no check upon the commission of crime.

The second class, consisting of useful mechanics, are, according to the system at present pursued, invariably placed on their arrival at the disposal of the director of public works, to be employed in the service of government, either in Sydney or the other towns. Periodical returns are made by this officer of the mechanics in his department who may exceed the regulated number to which he is restricted; these are distributed by the Land Board to settlers in the country, according to the dates of their respective applications.

There is a general disposition among the convict mechanics, upon their arrival, to conceal their trades, from an opinion that their usefulness to the government, or to the individuals to whom they may be assigned, will preclude them from receiving the indulgence of a *ticket of leave* with the same facility as others. Perhaps it is partly owing to this cause that the numbers of good mechanics (who acknowledge themselves to be such) that arrive are so very few as seldom or ever to allow of a *perfect tradesman* being assignable to a private individual.

The late director of works found the supply of useful mechanics scarcely more than sufficient to fill the places of those who obtained tickets of leave and certificates of freedom, or who were occasionally sent to penal settlements and out-stations.

It is believed, also, that many are induced to conceal their usefulness from a hope of procuring their being assigned as common labourers to some person who would allow them to share in the profits of their labour. On the other hand, many of them are led to prefer the service of government, because by good conduct, or rather, by prevailing upon their overseers to report their conduct as good, they can procure the privilege of sleeping out of barracks, and of course of working after hours and during the night at their respective trades. I have heard of a case, of the truth of which I have no doubt, of a mechanic in the service of government in Sydney, who contrived to work to an individual as many hours during one week as entitled him to the wages of eight days' labour.

The extreme demand for the labour of mechanics, and the extravagant prices at which that labour is consequently remunerated, render it easy, in most cases, for a workman to purchase the connivance of his immediate overseer, and if he can succeed in this, it is quite impossible, from the various and scattered undertakings under the direction of the department of public works, that the superior officers can effectually check the abuse.

The double evil is thus produced, of the neglect of government work and an indisposition on the part of the mechanic to remain in the service of any person to whom he may be assigned, unless the latter should consent to purchase at an extravagant rate those services to which he is entitled in return for the food and clothing of the convict alone; and while the government is supporting expensive establishments, in order to avail itself of the advantage of the services of convict mechanics, these services are surreptitiously obtained by private persons in the towns, and the government work is neglected, the convict being, at the same time, able to procure a reward for his labour, and the means of indulgence, to a greater extent than the most industrious mechanic in England can procure.

With regard to the third class, or common labourers, these on their arrival are, with few exceptions, assigned to persons in the country, where, from the abundance of food, they are generally much better off than in England; and all classes alike look forward to the privilege of what is called a *ticket of leave*, which good conduct during a certain period will procure them, and by which they are allowed to work for their own exclusive benefit; and although their residence is restricted to a certain district, they are in other respects entirely at their own disposal, as long as their conduct is such as to escape the notice of the police.

A convict for seven years is allowed the privilege of a ticket of leave at the end of four years service; a convict for fourteen years, after six years; and a convict for life, after eight years service; provided they shall have continued during these respective periods in the service of one master. But it is in general taken for granted, that if a change of masters has occurred, the convict has not exerted himself to give satisfaction, and the period of probation, before he can obtain a ticket of leave, is lengthened accordingly.

Under all these circumstances, it is calculated to excite little surprise, that in the case of mechanics and labourers, the punishment of transportation to New South Wales should not be regarded with much dread, especially when the distress of the working classes in England is considered. In almost all cases they are provided with abundance of food and clothing, and their labour is seldom or never so severe as that which almost every working man in England must submit to in order to procure the smallest pittance which will support life. *In particular*, the value of the labour of the mechanics is such, both when retained in the service of government and assigned to that of private individuals, that in the former case they seldom fail of being able to turn a portion of their labour to their own advantage, and

in the latter, before they will prove an efficient servant to their master, it is generally necessary for him to enter into a compromise by paying them for a portion of their work; and while reaping these immediate and substantial fruits of their labour, their bondage is further sweetened by the prospect of being able at a future day to appropriate all the advantages of their industry (where industry is never exerted without an extravagant recompense) to their own account.

In the management and discipline of convicts in New South Wales the local government has seldom, if ever, adverted to the punishment of transportation, with reference to its operation as a preventive from crime in the mother country.

It was the invariable practice of Governor Macquarrie, during the long period of his administration, to assure the newly-arrived convict that his past conduct would be entirely overlooked, and that his future treatment would altogether depend upon the line of conduct he should thenceforward adopt. The prospect held out to him was not punishment for the past, but encouragement for the future; and he had the most ample evidence, in the circumstances of many of the convicts, that the way, not only to indulgence, but even to wealth and a certain degree of distinction, was open to his ambition.

With the reformation of the convict, which was the object aimed at by this treatment, there was combined another object, which contributed to procure him additional indulgence, namely, the value of his labour, which it was necessary to make available in the cultivation of the land, and in providing the necessary accommodation of public buildings: whether employed in the public works, or in the service of individuals, his labour was stimulated by the reward of permission to work for his own behoof, during a part of each week; and thus, in every shape, a mitigation of his punishment became the ruling principle of his treatment.

Up to the present day the same principles, though under considerable restrictions in their application, have continued to prevail. The convicts have been distributed to the service of the settlers, or retained in that of government, with a view to the demands for their labour, and to the saving of expense in their maintenance, rather than to an uniform or discriminative system of discipline; and while they were encouraged to good conduct by the prospect of a remission of their sentence, their industry has been often, either directly prompted by a share in its advantages, or they have found means to elude the control of their overseers, or to obtain their connivance in turning it to their own account.

It has been the tendency of such a system to banish from their own minds the salutary feeling, that they were doomed to eat the bitter fruits of bondage as a satisfaction to the injured laws of their country, and as a beacon to others to avoid a similar course of conduct; and now that all the hardships inseparable from the first settlement and earlier stages of a colony have been overcome, the situation of the majority has been such, as rather to excite the envy than the dread of the poor classes in England, to whom their condition is understood to be well known.

Whatever advantages, therefore, the present system of transportation may afford to the colony, by supplying at a cheap rate its demands for labour (to it the most valuable of all commodities), it is not to be wondered at that its inefficiency in the objects of its first institution, as a punishment and a preventive from crime, should at length have attracted the attention of His Majesty's Government.

I have already stated, that in no point of view can the transportation of persons of education, who have been unaccustomed to manual labour, be considered as a proper means of punishment for that class of individuals; and that the addition to the population of any individual as a convict, whose education or abilities may eventually place him in a situation of political influence, must always prove, as it has hitherto proved, a source of mischief and disquietude to the colony.

I shall now endeavour to point out by what means the primary object of punishment, the prevention of crime, may be combined at once with economy in the disposal of criminals *of the working classes*, and with the advantages to the colony of convict labour, and to the convict himself of regular discipline and equal treatment in the first instance, without, at the same time, losing sight of the powerful stimulus to reformation which the prospect of a remission of punishment must always afford.

If it be possible to combine these objects in the transportation of offenders to New South Wales, the economy of that measure, in the present circumstances of the country, must give it, in the eyes of His Majesty's Ministers, the preference to any other form of secondary punishment which could be proposed.

The small cost at which convicts are now maintained in New South Wales is well deserving of notice; and as it is a subject on which, I rather believe, much misconception prevails, I shall, before proceeding farther, endeavour to form an estimate of its present and future rate.

The average expense of transporting a convict to that colony, according to the Parliamentary Papers for 1827, is stated at 24*l.* 1*s.* 6*d.*: such is the reduction in the freight of ships, and in the rate of other expenses since that period, that there can be no doubt of its being at present considerably under 20*l.*

The average expense of actually maintaining and clothing a male convict in New South Wales was, according to Mr. Bigge, in 1821, 22*l.* 9*s.* 8*d.*: according to the nearest estimate I have been able to form, it does not at present exceed 7*l.* 0*s.* 3*d.*

 The

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The total number of male convicts in the colony on the 1st November 1828, including those assigned to individuals and those allowed to provide for themselves by a ticket of leave, was - - - - - - - - - - - - - - 14,155

The total number of female convicts, under the same circumstances, was 1,513

Making a Grand Total of - - - 15,668

The number of *newly-arrived* male convicts, who were assigned to the service of private individuals during the year 1829, was 3,342. The total number which arrived during that year, including, with the above, females and male convicts retained in the service of government on their arrival, was not less than 4,000; to which may be added about 400, who arrived from 1st November 1828 (the date of the census) to the 31st December of the same year. On the other hand, 997 convicts became free during 1829; and in the same proportion, 166 in the months of November and December 1828. So that, deducting these two numbers from 4,400, there would remain 3,237 to be added to 15,668, to show the whole number of convicts maintained in the colony in 1829; but as the 4,000 continued to arrive, and the 997 to become free, during the whole year, only half the former number must be added, and half the latter number be deducted, to give the correct result: 15,668+2,400−644=17,424, which is the average number of convicts maintained, during the whole of the year 1829, in the colony. This result, though not *entirely* deduced from official information, is so to such an extent, that it is not likely to be incorrect to a greater extent than from three to five per cent.

The total expenditure of the government of the colony, in the year 1829, is stated in the published accounts at - - - - - - - - - £. 306,439 8 –

Of which was contributed by the colonial revenue - - 99,933 15 7

Leaving to be borne by the Home Government a total of - £. 206,505 13 –

Which sum, divided by the number of convicts maintained in the colony, gives 11 *l.* 5 *s.* 6 *d.* as the expense of each. But even this moderate rate of expense will be reduced in the present year.

In the expenditure for the year 1829 are included two sums of 78,493 *l.* and 20,000 *l.*: the former for the "Provisions, clothing, fuel and other necessaries provided in the colony for the use and maintenance of the convicts;" the latter, for the "Estimated cost of stores sent from England, and amount of expenses incurred but not yet brought to account."

The year 1829 was the last of a series of four years of drought and scarcity, and a great proportion of the wheat consumed in the colony during that year was imported from Van Diemen's Land: in consequence of this the average price was not less than 10 *s.* per bushel, which is more than double the price of 1831: the price of maize during the same year was not lower in proportion than that of wheat, and animal food was also from 50 to 75 per cent. higher than it has since become. It would occupy too much space to state here the reasons which make it extremely improbable that the prices of provisions can ever again rise so high as they were in 1829; but I have no hesitation in stating my belief, that the maintenance of the same number of convicts, which in 1829 cost 78,493 *l.*, would not, in 1831 or any future year, cost more than 50,000 *l.* Having had the chief hand in the revision of the estimates for stores and materials required from England during the last three years, I can state with confidence that the expenditure under that head, in the present year, will not exceed one-third of the sum charged in 1829. On the other hand, an increase may have taken place under the head of "Police, gaols, &c." to the amount of probably 5,000 *l.*

It will consequently follow, that supposing (as is pretty near the truth) the number of convicts maintained by the Crown in ordinary service, at penal settlements, in gaols, hospitals, &c. will be the same in 1831 as it was in 1829, that the demands upon the English Treasury will be reduced from 206,505 *l.* to 170,000 *l.*, or 9 *l.* 15 *s.* for each convict.

Under the present system of management the increase of convicts in the colony will not necessarily (except in a small degree) add to the numbers maintained by the government, because the demand for their labour will always continue to take off those whose services the government does not require, or who are not kept in penal settlements or in road gangs, the latter being also a mode of punishment: neither will a large increase of the convicts add *materially* to the expense of their superintendence. I have, therefore, no doubt whatever that the average cost to the British Government, of all the convicts sent to New South Wales will not, in the average of future years, be found to exceed 10 *l.* per head, during the period of their respective sentences.

The aggregate of this estimate includes a sum of 64,000 *l.* for the maintenance of troops, in the protection of the colony, as well as in the control of the convicts, and all other charges to which the mother country is subjected on account of the colony.

Taking the average periods of the sentences of the convicts at 14 years, a further addition to that sum of 2 *l.* per annum would (in round numbers) cover the cost of their transportation, so that the whole expense to be incurred by the mother country, by maintaining the system of transporting convicts to New South Wales, may be taken at 12 *l.* per head for each convict.

According

According to a statement in a pamphlet published by Mr. Potter Macqueen, late Member of Parliament for Bedfordshire, the average expense of a culprit in the Hulks, during the years

1818, 1819, 1820 and 1821, was - - - -	£. 34	–	–
Ditto of a culprit in the Milbank Penitentiary -	56	15	–
The lowest estimate (that of Worcester Gaol), in a list of 11 penitentiaries and gaols - - -	28	2	4
The average of the whole 11 - - - - - -	38	7	2

It is probable that the respective rates may have been reduced since these estimates were formed; but there never can be a question, relative to the superior economy of the measure of transportation to New South Wales, when compared with any mode of maintaining convicts in England.

I will forbear to enlarge upon the advantage to the mother country, of being at once freed from the future trouble and expense a large portion of the criminals never fail to occasion on being discharged from confinement in England, as not more than one in ten of those transported ever returns to that country; or upon the advantage of conveying a portion of the population from a country where, *even their punishment* interferes with the employment of the half-starved pauper, to a country where labour, in any shape, is of the highest value. But having established, to a degree not generally, I believe, suspected, the real economy of the measure of transportation, under the present circumstances of New South Wales, I will now endeavour to show by what improved system of management that punishment might be made to combine these advantages with the more important one of producing that salutary dread of a violation of the laws which it is the primary object of all punishments to inspire.

Having been employed, in the year 1828, in a Commission of Inquiry into the State of the Secondary Penal Settlement of Port Macquarrie, in conjunction with Lieutenant-Colonel Morrisset, now Commandant of the Penal Settlement of Norfolk Island, I had a very favourable opportunity for considering this subject, though on a less extended scale.

After a most careful and minute investigation into the details of the management of that settlement during the whole period of its progress, we succeeded most satisfactorily in tracing the laxity of discipline and abuses in management, which had reached such a height as altogether to alter its character and defeat the objects of its institution, to the attempts made by the government to economize in the expenditure necessary for the discipline and control of the convicts, and to realize a profit by their labours. Although these objects appeared to have been by no means incompatible with the primary objects of the institution of a penal settlement, the punishment and prevention of crime, they were here carried to such an injudicious extent as to be considered paramount to all other objects; and even the calculations of profit, on which they were founded, were eventually defeated by the destruction of that very discipline to which they ought to have been secondary and subservient, and under which they would have proved advantageous in an economical point of view.

The more I have considered the existing defects in the general management of convicts in New South Wales, and the circumstances under which transportation has now failed to prove a salutary punishment, the more have I been brought to the belief, that these defects and failures, though extended over an infinitely wider field, and exemplified in a much greater diversity of circumstances, may be traced to the same sources; and I am well persuaded also, that many of the measures of economy which are now pursued on the grand scale, do no less defeat their own ends than proved to be the case with those adopted at Port Macquarrie.

In the earlier stages of the colony it could not, in every case, be imputed to intention, that the convict was either employed or indulged in a manner inconsistent with a state of coercion; but if, on the one hand, the necessities of an infant settlement relaxed the discipline which it would have been desirable to maintain over the convict, the distresses to which the whole colony was occasionally reduced often superadded to his punishment a degree of suffering which it was desirable he should have escaped.

It was not till the first difficulties of an infant colony had been surmounted that much mischief could result from such indulgences, but it did not less continue to be the system of government rather to dispose of the convicts with a view to the saving of expense to the Crown, than to their proper discipline. It was of course the object of private individuals, to whom convicts were assigned, to treat them in such a way as should be most conducive to their own profit; and of such value was their labour, that while in many instances they were able to enter into a very profitable compromise with the master, in most cases they were treated in a manner which was a desirable contrast to the circumstances of poverty the majority had quitted in their native country. Nor were these advantages confined to those convicts whose services were assigned to individuals.

A variety of circumstances, to which it would be tedious to advert, had, at a very early period, introduced the practice of granting the indulgence of exemption from government labour, and that practice was continued long after the necessities, from which it had first arisen, continued to exist. The pressing demand for public buildings and other improvements made the conductors of such undertakings glad to compromise the discipline of the

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convicts for the furtherance of the work. In short, it was a state of society in which the labour of the convicts was the most valuable commodity, and to turn this commodity to account became the object, with a view to which, the treatment of the convicts was almost exclusively directed.

This system, so favourable to the convicts and inconsistent with a state of punishment, was further strengthened by the opinion so long entertained, that the reformation of the convict was the chief, if not the only object for which New South Wales was settled. It was the foible of Governor Macquarrie to consider the success of an individual in accumulating property as identical with his reformation, and a security for its continuance. Persons were thus encouraged by his countenance, while becoming rich, although a more minute scrutiny of their conduct would have proved that they owed their wealth, more or less directly, to the plunder of government.

In the present advanced stage of the colony similar facilities for acquiring property, by a concern in government undertakings, are seldom afforded to the convicts, and it is scarcely possible for them, by any management, either to procure exemption from labour, or that they may be assigned to their own friends. Neither, in general, are that class of the community, when emancipated from their former condition, so arrogant in their pretensions as formerly; but still the measures of government, in the treatment of convicts, partake at least as much of economy as of discipline, and the spirit of that treatment has much more reference to the encouragement of good conduct in the criminal, by a prospect of indulgence and reward, than a retrospective regard to the influence which the punishment of the transgressors of the law ought to exert on the minds of those who are tempted to risk the danger of incurring its penalty.

But if on the one hand New South Wales has in some degree ceased to be that *Paradise of felons*, which at one period it might have been, without impropriety, designated; on the other hand, many of the hardships to which the former race of convicts were unintentionally subjected, are totally unknown to their successors: and so excessive is still the demand for their labour, and so abundant the means of requiting it, that in many situations the convict mechanic still riots in indulgence, and in almost every case will the labourer find himself in infinitely better circumstances than he left at home, while both may look forward to such fruits of their industry and good conduct as the most fortunate of them could never have dreamed of in his native country.

I have already adverted to an inquiry, in which I was engaged, into the state of the Penal Settlement of Port Macquarrie, and I have stated my conviction, that the inefficacy of the punishment of transportation to New South Wales might be traced to the same or similar causes as those which rendered Port Macquarrie ineffective as a secondary place of transportation; and I have no doubt, that by acting strictly upon the principles recommended by my colleague and myself, in the one case, most of the defects incident to the other might be removed.

The prevention of crime being the primary object of all punishments, a regard to the effects produced upon the minds of those who are liable to the temptation of violating the laws ought to be the first object to be regarded in determining the nature of the penalty. The reformation of the convict himself is secondary to this, inasmuch as it is of more importance to the community that the many should be kept from falling, than that the few who have fallen should be reclaimed. The economy of the measures pursued for the attainment of these objects is secondary to both, as in so far as such measures are rendered inefficient, not only are the intentions of the Legislature defeated, but the additional expense incurred by the increased tendency to crime thereby produced, will in most cases defeat even the calculations of economy.

Transportation to New South Wales has of itself ceased to be regarded with that dread which would operate in deterring from crime, and it is therefore the more necessary that the subsequent treatment of the convict should be regulated according to its tendency to effect that object. The measures which I am about to propose, with this view, are of such a nature as will perhaps in a few instances interfere with the second object, of reformation, but, in a great majority of cases, I think it will also forward this object, at least in as far as a severe discipline will have that tendency; and viewed with regard to economy, although involving a most important change in the public establishments of the colony, I think it will, on the whole, and in the long run, prove a saving instead of an increase of expense to the Government.

Among the summary punishments resorted to in the management of convicts, is that of working on the roads of the colony, either with or without irons, according to the degree of criminality for which the punishment is inflicted. All convicts who have been returned to the service of government from that of a master, are sent to this species of labour for a period of six months, before they are eligible for assignment to another, unless a very favourable report is given of the convict's character by the master who returns him, it being assumed, if this is not the case, that he has not exerted himself to give satisfaction. The punishment of working on the roads is generally regarded with dread. The ration is of the coarsest and scantiest kind. The convicts are, in general, debarred from all intercourse with others than those of their own gang, and cut off from any means of indulgence. They are, in general, under the charge of a harsh overseer, and subjected to a severe discipline;

cipline; and superadded to the authorised severities of their situation, they are subject to others which it is impossible to prevent, arising from the fraud of the contractors who supply their provisions, or from the difficulties the latter, even with their best exertions, often find in furnishing them in a good state, at the stations of the gangs.

It appears to me that if instead of being assigned to the service of a master, or attached to any Government establishment, all convicts were, on their landing, sent to labour in the formation or repair of roads in the interior for a stated period, in proportion to the length of their sentence, and, perhaps, with a discriminative regard to the characters they might bring with them, it could not fail to be productive of a most salutary effect, in changing the opinion now entertained in Great Britain of the nature of the punishment of transportation. If a proportion of the period which must elapse before a convict can obtain a ticket of leave, under the present regulations, were spent in labour on the roads, it would introduce an amazing change in the prospects of the convicts on their landing. Instead of being received to a fulness of food and kind treatment, with little personal restraint, in the service of a master, as most of them are at present, they would be subjected to the severe discipline, the coarse, scanty, and often bad food of the road gang, without a single alleviating circumstance to reconcile them to their lot, beyond the prospect of a change to the service of a master, which their good conduct would eventually procure them.

The effects of this treatment upon the character of the convicts would be different. Upon a few, whose conduct would probably have proved exemplary if assigned at once to a master, the forced association with the worst persons of the gang might prove injurious; but in general it would teach them, when they at length attained to private service, to attach a due value to that situation: and many whom mere wantonness leads into mischief under the present system, would be too well aware how much a re-transfer to the roads would embitter their situation, not to be cautious how they should again subject themselves to that punishment.

Many of the convicts themselves, who are subjected to punishment for offences in the service of a master, attribute their misconduct to their having forgot themselves, by being too well off; and the convicts of the old school uniformly maintain, that those of the present day would seldomer "fall into trouble," if their discipline at the commencement were a little more severe.

Viewed with regard to economy, the proposed measure would undoubtedly add considerably to the number of convicts to be maintained by the Government, and consequently, though not to the same extent, to the expense. But this, I apprehend, would not be considered an impediment to the measure, if, on the one hand, it should tend to prevent the commission of crime in England, and, on the other hand, lead to an improvement in the conduct of convicts in the colony.

It would probably increase the number of convicts to be *directly* maintained by the Government from 5,000 to 10,000, but the additional expense to which it would expose the public would probably not exceed 40,000*l.* to 50,000*l.* in all. While this additional sum would continue a permanent charge, it is calculated upon the addition of about 2,000 or 3,000 convicts annually to the present numbers, which rate of increase, as it would for several years add very largely to the number maintained in the colony, without any very considerable increase to its expenditure, excepting in the articles of food and clothing for this additional number of convicts, would probably for some time leave my former estimate of the cost of each convict to the mother country not materially changed.

Thus, if this system should be immediately adopted, the number of convicts directly maintained by the Government, in the year 1834, would be 10,000, and the proportion of the expense of the colony borne by the British Government would probably have increased from 170,000*l.* to 220,000*l.* But, as in the same supposition, the whole number of convicts maintained in the colony, would have increased at the rate, including women, of 2,500 annually, while the numbers annually becoming free would not, up to that time, exceed 1,000 or 1,250 annually; the total of the convicts maintained in the colony would therefore be 22,424, and the expense of each 9*l.* 16*s.* I believe the estimate I have formed of the cost of the maintenance and clothing of a convict in 1831, viz. 7*l.* 0*s.* 3*d.* to be as low as it is ever likely to prove. But as the labours of a large proportion of the convicts who are confined at secondary places of punishment are daily becoming more productive, (large quantities of maize being even now sent from Moreton Bay to Sydney, and it being probable that the whole consumption of the convicts, of that grain, will be eventually supplied from that settlement) I have no hesitation in stating my belief, that even when the number of convicts annually becoming free shall be equal to that annually added to the population, and that when, consequently, the proportion directly maintained by Government shall be greater when compared with the whole number maintained in the colony, the average cost to the English public of maintaining and managing their convicts in New South Wales will seldom exceed 10*l.*, or, including the expense of transportation, 12*l.* per head per annum.

I have little difficulty, therefore, in concluding, that provided the proposed scheme should appear calculated to effect a desirable change in the character of transportation considered as a secondary punishment, no objection will be made to it on the score of expense, as, although adding to the expenditure which would be necessary under the present

No. 1.
Treatment of Convicts in New South Wales.

system, no other mode could be suggested for the disposal of convicts which would approach to it in point of economy.

With regard to the influence of such a measure upon the colony, I am satisfied that no public works, on a large scale, could be suggested which would prove so beneficial. The prosperity of the colony, which is chiefly owing to its natural capabilities for pastoral pursuits, must always be in a great measure dependant upon the facilities of communication with the interior, whence its most valuable produce is derived.

While, therefore, the colonists would be individually deprived of a large number of labourers, whom they would obtain under the present system, these labourers would be employed in the most advantageous manner for their collective interests. Nor would it, indeed, be difficult for the government to obtain from the colonists a direct compensation for a part of the additional expense which this disposal of the convicts would entail upon the mother country.

During the administration of Sir Thomas Brisbane, it was customary for the government to let out the services of the more useful mechanics and tradesmen for hire, instead of bestowing them gratuitously as at present. I was informed by the person who was entrusted with the collection of the funds arising from this source, that he had actually received about 4,000 *l.* on account of the government for the hire of convict mechanics; and I think he also stated, that this was for a period of not more than one year. As the measure I have proposed would involve the breaking up of every establishment where convict mechanics are employed, with the exception of penal settlements, a large number of the most valuable mechanics would always be assignable by government; and should there prove no well founded objection to the principle of the measure, (which was understood to have been abandoned in the former instance in consequence of some scruples relative to the validity of the bonds entered into by the assignees of the convicts,) I have no doubt a considerable revenue might be obtained from this source.

One of the most difficult and embarrassing duties the government have at present to perform, is the distribution of convicts to the various applicants, among whom there is a perfect race of competition for their services. Notwithstanding that the Land Board, upon whom this duty was devolved, acted with the most strict and determined impartiality, the government was overwhelmed with complaints upon the subject, and the most hostile spirit often evinced itself in individuals who conceived that their claims had not met with due attention.

Indeed, so irreconcileable are the principles upon which different individuals founded their claims, and so difficult is it to establish a standard by which they could be ascertained, that the performance of this duty must ever prove a fertile source of complaint among individuals, and of annoyance to the government.

It would, to a great extent, remove these evils, if the measure of letting the services of the more valuable convicts for hire were resorted to. Formerly, a stipulated rate (10 *l.* per annum per head) was exacted for each, without reference to their qualifications; and, even then, the government was embarrassed by the competition. A more advisable plan would be for the Land Board, or a board of commissioners entrusted with this duty, on receiving the lists of convicts who should have become assignable to private service, to advertise, for a month, the names and designations of the whole number assignable, and offer to receive tenders for their services respectively, for a period of not less than one year; and there is no reason why this system should be confined to mechanics.

It would be necessary for the board to exercise their discretion respecting the characters of the tenderers. For many persons would undoubtedly apply to whom it would be extremely inexpedient to assign convict servants under any circumstances: and it would be a protection to the board, and a guarantee to the public, if the members were severally to make oath that they would exercise the very necessary discretion entrusted to them without favour or affection, and with a single eye to the public service. Only those individuals for whose services no eligible tenders had been made would remain to be distributed gratuitously.

Such a measure as this would go far to silence the clamours of those who, however groundlessly, are continually impeaching the impartiality of the government. As a member of the Land Board, I never ceased to feel (and the feeling was partaken by my colleagues) that a due regard to the public interest would have required from us a much wider exercise of discretion than we ever ventured to adopt. It is true that this was in a great degree owing to the constitution of the board, which forced upon it the most compendious system of transacting the very extensive business devolved upon it; but we felt also, while conscious that a more careful investigation would have enabled us to act more justly by the parties in particular cases, that our impartiality *on the whole* would appear more evident by a strict adherence to rule.

It would be a necessary introduction to this measure, which I think on the whole would be acceptable to more than it would be otherwise, that the convict mechanics, now in the service of individuals, should be withdrawn. Of these there are at present many where no claim can be urged, and many persons who are in the greatest distress for mechanical labour are unable to procure it on any terms.

With

With regard to the convict mechanics themselves, it would have the effect of rendering their situation more nearly on a level with that of the common labourer, by depriving them of all hope of obtaining masters with whom they could make terms; and as the master, having paid to the government the full value of their labour, would find it necessary to enforce its performance.

Should His Majesty's Ministers, considering the large revenue which is already raised from the colonists of New South Wales, conceive that such a measure would add too heavily to their burdens, its produce might be applied in a measure which would prove of the highest advantage to the colony, as well as to the mother country, namely, in facilitating the emigration of free mechanics from the latter, where they are in the greatest distress, to the colony, where they would be of the highest value, and where their labour would be most amply remunerated.

There remains still another point of view in which the effects of the measure I have proposed require to be considered.

Of the 5,000 male convicts in the service of government, about 2,000 are confined at penal settlements, in the hulk and in gaols; about 2,000 more are employed upon the roads, who are also in a state of punishment or probation. The remainder are employed in different government establishments, from 400 to 600 being usually congregated in Sydney alone. A question therefore arises as to the expediency of breaking up these establishments.

The maintenance of the Department of Public Works could never, at any time, be defended on other grounds than that of its absolute necessity. The congregation of such a number of characters of the worst description in Sydney is pregnant with mischiefs so numerous and varied, that no argument of economy ought, for a moment, to be alledged in its justification. No day, perhaps few hours, are allowed to pass without some portion of the inhabitants suffering by the depredations of these persons, and no measures of police can afford an effective control over them. During the day, they are dispersed in different gangs over the town, at various works which the government is carrying on, and where they are left to the superintendence of overseers, not one in twenty of whom has the honesty to do his duty. Nothing is more common than for the men to be absent from their work with the connivance of their overseers, with whom they share the proceeds of their labour or of their plunder. The extent to which this is carried on would be incredible to any person who had not the evidence of his own senses in proof of it. The appearance of those who remain at their posts indicates at once the determination of the workmen to do as little work as possible, and the indisposition or incapacity of the overseer to compel their labour.

During the night, the majority are shut up in the convicts barracks, but it is customary, on the recommendation of the overseer, to allow many of them, who are reported by him as well conducted, to provide themselves with lodgings: and thus they have an opportunity of turning to account their idleness and inertion during the day, by working for their own advantage, or by committing depredations upon the property of the inhabitants during the night.

However necessary it might, at one time, have been to maintain such a system, I have no hesitation in giving a most decided opinion, that *that* necessity no longer exists. Buildings and undertakings of every kind have been, for several years, carried on by individuals to a greater extent than any thing which has for a long time been attempted by government, and no difficulty is found by these persons in procuring either contractors or workmen in any branch of mechanics, provided they are willing to pay the high wages which the scarcity of effective workmen enables them to command. If there is a distinction in the quality of the work performed, it is in the solidity and sufficiency of that performed by contract, which, when the proprietor himself pays attention to the business as it proceeds, will contrast most favourably with the proverbial insufficiency of all undertakings executed by government.

So far, therefore, from the necessity of maintaining such an establishment as that under the charge of the Department of Public Works, proving a barrier to the execution of the measure I have proposed, it would not be the least advantage of such a measure that it would break up that establishment.

The crime committed in Sydney would be diminished in a very considerable degree; a large proportion of convicts who are now enjoying indulgences and advantages inconsistent with a state of punishment as regards themselves, and destructive of every feeling of a dread of such punishment in others, would be reduced to a wholesome state of discipline; and a great part of the mechanical skill in the colony at present thrown away would be turned to good account.

But not only has the necessity for such an establishment ceased to exist, but, in an economical point of view, I feel persuaded, the government would find their advantage in obtaining the performance of their work by contract, even at the highest rates. The abuses which are carried on, and which, in spite of the strictest superintendence, will always continue to be carried on under such circumstances, are not confined to the idleness of the workmen, or the deficiency in the quality of their work: the extensive stores of tools and

No. 1. Treatment of Convicts in New South Wales.

materials of every description, and the necessity for committing a portion of these to many persons who will appropriate a part of them to their own use, or will carry off the good materials of government, and replace them by the most wretched substitutes, is another source of loss to the government and of temptation to the convict; and the employment of storekeepers and clerks, who are necessarily engaged in keeping the numerous and complex accounts of these stores and of their appropriation, all tend to add to the expense of works so performed, and to swell them beyond all calculation above the most expensive works performed by contract.

There is yet another branch of the subject to which I have not adverted, and on which, as I feel little qualified to offer an opinion, my observations shall be very brief, viz. the treatment of female convicts.

These, upon their arrival, are invariably assigned to the service of private individuals, as far as the demand for their services will allow; the remainder are sent to the Female Factory at Parramatta.

Most of the advantages which are attainable by many of the male convicts, whether in the employment of an individual or in that of government, are beyond the reach of the female.

The demand for her services in a menial capacity is not so great, in proportion to the number at the disposal of government, as to make it the interest of her master either to induce her to good conduct by the temptation of pecuniary rewards, or to screen her from punishment when deserved. If retained in the factory, the discipline in that establishment is now so excellent, that while those confined for punishment are treated more or less severely in proportion to the nature of their offence, those who are retained merely because there has been no applicant for their services, suffer little, in the nature of punishment, beyond the confinement within its walls. The only alleviation, therefore, of the punishment of the females, whether in private service or within the walls of the factory, is the prospect of that degree of freedom which a *ticket of leave* confers, or of contracting marriage, for which every facility is wisely afforded by the government.

While, therefore, excepting in the case of characters of the most depraved description, transportation must always appear more dreadful to the feelings of the female than of the male culprit, there is little in their subsequent treatment to excite the high hopes and expectations, so frequently entertained by the latter; and as less change is required in the punishment of the female as regards the influence of example in the mother country, the very efficient discipline which has at length resulted from the great and persevering attention bestowed upon their treatment, leaves, as far as my judgment goes, little room for practicable improvement in the colony.

James Busby,

Late Collector of the Internal Revenue of New South Wales and a Member of the Land Board of that Colony.

June 1831.

Appendix, No. 2.

PAPERS showing the REGULATIONS observed in *New South Wales*, with respect to the TREATMENT OF CONVICTS generally; their Assignment to the Settlers; the granting of "Tickets of Leave;" their Employment in the Government Service; and the Discipline resorted to in the Case of Prisoners sent to the "Penal Settlements."

No. 2. Regulations for the Treatment, &c. of Convicts in New South Wales.

EXTRACT of a DESPATCH from Governor *Darling*, dated New South Wales, Government House, 16th February 1829, to Sir *George Murray*, G.C.B.

NUMBER of Convicts retained by Government whose services are required in the several Public Establishments, &c. - - - - - - - -	1,481
Number of Convicts necessarily maintained, being under sentence, &c. -	4,273
Total Number not assignable to the Settlers - - - - -	5,754

I beg leave, Sir, to add, for your further information, an Abstract of the Number of Male Convicts who arrived in the Colony during the years 1826, 1827 and 1828 respectively; making a gross number of 6,032. As likewise an Abstract showing the Number of Convicts whose period of transportation had expired, and of Tickets of Leave granted to others within the same period; by which it appears 4,140 individuals were in fact added to the free population: the Ticket-of-leave men, during good behaviour, being allowed to be at large, and to work on their own account.

No. 3. No. 4.

No. 3.—Enclosure with Lieutenant-General *Darling*'s Despatch.

ABSTRACT of the Number of MALE CONVICTS who have arrived in the Colony during the Years 1826, 1827 and 1828.

In the year 1826 - - - - - - - -	1,734
- - Ditto - 1827 - - - - - - - -	2,110
- - Ditto - 1828 - - - - - - - -	2,188
TOTAL of Three Years - - - -	6,032

No. 4.—Enclosure with Lieutenant-General *Darling*'s Despatch.

ABSTRACT of the Number of CERTIFICATES OF FREEDOM and TICKETS OF LEAVE granted during the Years 1826, 1827 and 1828.

YEAR.	Certificates of Freedom.	Tickets of Leave.	TOTAL.
In the year 1826 - - - - -	997	121	1,118
- - Ditto - 1827 - - - - -	1,014	487	1,501
- Ditto - 1828 - - - - -	960	561	1,521
TOTAL - - -	2,971	1,169	4,140

MEMORANDUM respecting the Settlement at *Wellington Valley*, New South Wales.

IT is situated at a distance of about 250 miles from Sydney, and of 100 miles from Bathurst, the nearest settlement.

The number of convicts maintained at Wellington Valley is between 60 and 70, and of these about one half are educated convicts.

A detachment of 20 soldiers is stationed at this Establishment, and there are, besides, two small military posts for the protection of the line of communication with Bathurst.

The Establishment is under the charge of a Superintendent, who receives a salary of 250 *l.* a year; other subordinate persons receive gratuities, amounting together probably to about 50 *l.* more.

The troops and convicts are provisioned from the Government herds of cattle and grain raised on the settlement.

The principal expense attending this Establishment is incurred on account of the stores necessary for the construction and repair of buildings, and for the cultivation of the soil, and the conveyance of these stores to Bathurst, by contract. I am not aware of the precise amount of this item of expenditure, but I feel assured that it cannot exceed 700 *l.* a year, and this with the 300 *l.* on account of salaries, makes a total of 1,000 *l.* per annum.

As regards the expediency of maintaining this Establishment for the reception of educated convicts, I am of opinion not only that it is unnecessary, but that much evil results from it: the severity of the measure towards these individuals in particular has an appearance of injustice, and excites compassion with the public; besides, that by congregating these men, any remains of moral feeling is soon lost, and their minds become perfectly reprobate; their amusements consist in contriving schemes of iniquity to be put in practice, when the law shall have been satisfied in the completion of their sentence. It is certainly important that they should not be asssigned to private individuals, or allowed to remain in Sydney; but I would recommend their being distributed among the several Government Establishments in the country; and a further advantage of this arrangement would be to reduce the expense of their maintenance.

30th July 1831. (signed) *T. de la Condamine.*

No. 2.
Regulations for the Treatment, &c. of Convicts in New South Wales.

EXTRACT of a DESPATCH from Governor *Darling* to Sir *George Murray*, dated 17th December 1830.

"I AVAIL myself of this opportunity of pointing out the inconvenience (to which I beg to call your attention) which will now be experienced in disposing of the 'educated convicts,' as the establishment at Wellington Valley will be broken up at the end of the present month. I should hope that convicts of that description will not hereafter be sent to this colony, as there will be much difficulty in disposing of them; in fact, I know not where to send them, and it is very desirable they should not, in the first instance, be assigned in Sydney."

EXTRACT of a DESPATCH from Governor *Darling* to the Right Hon. *William Huskisson*, &c. &c. &c.

New South Wales, Government House,
Sir, 3d April 1828.

I DO myself the honour to transmit the accompanying lists of female convicts lately arrived by the ship Elizabeth from Ireland, considering, from the question they involve, that they may prove of some importance to the public.

No. 1.
No. 2.

List No. 1 contains the names of 19 women, whose husbands or relations are already in the colony; No 2 is a list of 11 women, whose husbands are under sentence of transportation, but have not yet arrived.

Whether these women committed the offences for which they have been transported as a means of joining their husbands and relations, or whether they are the victims of crime unconnected with this object, is perhaps not altogether unimportant. In the former case, it may be a question whether an attempt should not be made to put a stop to such proceeding, though the means may not be convenient or easily devised. It might be well to consider whether it would be best effected by sending out the wives of convicts soon after their husbands are transported, or by not transporting any woman whose husband had been sent out as a convict. These appear to be the only means of effecting the object. The first would certainly render the punishment of transportation less abhorrent, and might operate as an encouragement to crime.

The second would perhaps be the more advisable course, as it might possibly prevent the commission of crime on the part of the women who were anxious to join their husbands; and the men would, as at present, still have an inducement to behave well, in the hope from that circumstance that their wives would be permitted to join them.

I have the honour to be, with the utmost deference and respect,

Sir,

Your most obedient and most humble servant,

(signed) *R. Darling.*

No. 1.—LIST of FEMALE CONVICTS, per "Elizabeth," whose Husbands or Relations are in this Colony and Van Diemen's Land.

N° 11.—Johanna Warren - - - Husband came as Michael Murray, per "Eliza."
14.—Ellen Healy - - - Husband came as Michael Griffen, per "Ditto."
19.—Catherine Neale - - - Husband came as James Fitzgerald, 12 months since.
22.—Mary Field - - - Has two Daughters and a Son in this Colony; and one Daughter aged 18 years on board, convicted with the Mother.
28.—Hannah Wallace - - - Husband here as John Baxter, per "Countess of Harcourt," in 1827.
29.—Catherine Gogarty - - - Husband here as Thomas Gogarty, about two years since.
31.—Mary M'Cormick - - - Husband here as James M'Mahan, per "Cambridge."
52.—Mary Ann Downes - - - Husband here as Michael Downes, per "Countess of Harcourt."
53.—Margaret Maloney - - Husband here as James Riley, per "Countess of Harcourt."
78.—Mary Connor or M'Guity - - - Husband, M'Guity, at Van Diemen's Land.
91.—Ann Murphy - - - Husband here as Patrick Murphy, about six months since.
110.—Margaret Godfrey - - - Husband here as Thomas Hayes, per "Eliza."
114.—Sarah Cummins - - - Husband here as Thomas Cummins, about three years ago; also three Sons in the Colony.

128.—Rose

128.—Rose Fallon - - - Husband William Moore, per "Eliza."
137.—Margaret Murphy - - - Has a Brother here, a Peter Thompson, or Murphy, about eight years ago.
148.—Mary Scully or Macguire - - - Husband here as Thomas Scully, per "Hercules."
153.—Catherine Connors - - - Husband here as John Connor, private in 57th Regiment.
188.—Eleanor Smith - - - Husband here as Edward M'Analty, seven years ago.
189.—Mary Doyle or Dempsey - - - Husband here as Morris Dempsy, per "Cambridge."

No. 2. Regulations for the Treatment, &c. of Convicts in New South Wales.

No. 2.—LIST of Female Convicts, per "Elizabeth," whose Husbands have been convicted but not yet arrived.

N° 69.—Catherine Holmes - - - Husband convicted and expected as Thomas Kennedy.
86.—Bridget Johnson - - - ditto as Richard Kelly.
107.—Mary Long - - - ditto as Thomas Hunt.
127.—Mary Dogherty - - - ditto as James M'Cullum.
129.—Mary Moore - - - ditto as James Mehan.
132.—Mary Morris - - - ditto as William Russel.
153.—Honora M'Grath - - - ditto as Thomas M'Grath.
154.—Mary Riley - - - ditto as Patrick Hearne.
166.—Mary Scott - - - ditto as Matthew Power.
181.—Catherine Dowling or Hennessy - - - ditto as James Hennessy.
89.—Ann M'Aspert - - - ditto as James M,Aspert.

Appendix, No. 3.

ADDITIONAL INFORMATION RESPECTING CONVICTS AT NEW SOUTH WALES.

— No. 1. —

DESPATCH from General *Darling* to the Right honourable Sir *George Murray*, G. C. B. &c. &c. &c.

No. 3. Information respecting Convicts at New South Wales.

New South Wales,
SIR, Government House, 5th October 1830.

I AM sorry to have occasion to report that the Colony has been a good deal disturbed of late by "Bushrangers," who have put on a more formidable appearance than heretofore. In the earlier part of the year, they infested the roads about Parramatta, and committed several acts of outrage, even in the neighbourhood of Sydney. The leaders of two parties, *Macnamarra* and *Donahoe*, who had been long at large, were both shot in an encounter with the police, and several men have been executed.

A party of from twelve to fifteen in number lately assembled at Hunter's River, plundered the settlers of horses, arms, &c. and with difficulty were driven from that part of the country, it having been impossible to come up with them after the first skirmish, in which three men were killed. From the circumstance of their being all well mounted, they directed their course across the country, towards Bathurst; and I am sorry to add, that the men belonging to one of the establishments in that district, about thirteen in number, have recently risen, and, proceeding to the neighbouring farms, plundered them of what was necessary for their equipment. They are now well armed and provided with horses. Parties of troops and of the mounted police, were immediately sent in pursuit; and the latter, having come up with them, I regret to state were beaten off and obliged to retire with the loss of two men and five horses, after a very smart engagement, which I am informed continued a quarter of an hour. It is the more to be regretted, as an incident of this nature cannot fail to encourage such of the convicts as may be disposed to join them, in the same degree as it depresses the settlers; many of the latter, in the first moments of alarm, quitted their farms, and the consternation was pretty general. I lost no time in sending reinforcements of troops to the different stations, and of placing detachments, so as to furnish guards over the iron gangs and road parties, as should these people rise, who are 1,500 in number, the consequences might prove of the most serious nature. Our deficiency however, at this moment, is in a mounted force, as the infantry have no chance of coming up with the bushrangers, who seize on fresh horses whenever they require them; I have therefore made arrangements for immediately augmenting the mounted police, which at present consist of about 68 troopers, to 100 in the first instance, so as to increase their numbers at the three principal stations, the north, west and south,

No. 3. Information respecting Convicts at New South Wales.

to such an extent as will enable them to act with effect at once in checking any disposition to revolt, which may appear on the part of the convicts.

I am sorry to observe that the natives have also manifested a disposition of late to be troublesome; they have killed cattle at several stations, which has hitherto been unusual, and have menaced the settlers on the borders of Argyle and St. Vincent. The almost boundless extent of this country will render a large mounted force necessary, should the natives proceed to the same lengths as at Van Diemen's Land. The accounts which I have received from Lieutenant Governor Arthur, the particulars of which have no doubt been communicated to you, have induced me to place a much larger force at his disposal than can be conveniently spared from this; but I have made the exertion previous to forwarding the 57th regiment to India, being aware of the importance of the atrocious proceedings of the natives being promptly and effectually checked.

I shall do myself the honour to report by the next opportunity the completion of the arrangements which are now making for the augmentation of the mounted police, and shall be glad if enabled to inform you that the country has been cleared of bushrangers, and the natives have ceased their hostility.

I have the honour to be,
With the utmost deference and respect, Sir,
Your most obedient and most humble servant,
R. Darling.

— No. 2. —

A RETURN of the Number of Convict Servants applied for, and the Number assigned, during 1830; the Number of Convicts Employed and Maintained by Government; and the Number of Convicts who have Absconded during that Year.

Number of Male Convicts applied for by the Settlers as Servants during 1830	8,453.
Number of Male Convicts assigned to Settlers	3,827.
Number of Convicts employed in Government Works	1,611
Ditto - - ditto - - necessarily Maintained by Government, being under judicial sentence, or unfit, from infirmities, to be assigned	3,445
Total Number of Convicts Maintained by Government	5,056

Number of Convicts who have absconded during 1830, 97; of whom 41 are supposed to have quitted the Colony.

Appendix, No. 4.

PAPERS relating to the Escape of Convicts from *Australia.*

No. 4. Escape of Convicts from Australia.

RETURN of the Number of Convicts who have Escaped in each Year from *New South Wales,* from the earliest to the latest Period for which Returns have been received.

1825	16
1826	11
1827	30
1828	11
1829	19
1830*	4
	91

* The Returns for 1830 have not yet arrived; but the escape of these 4 convicts has been specially reported.

N. B.—The above numbers of convicts comprehend those who are supposed to have quitted the colony; but those who are illegally at large in the colony, being liable to be brought in by the police, are not enumerated.

The

No. 4.
Escape of Convicts from Australia.

The population of New South Wales, according to a census taken in the year 1828, is stated at 36,598; to which are to be added the runaway convicts in the bush, and persons who have no fixed place of residence. It is estimated, however, that these, with any omissions which may have occurred, do not exceed 2,000 persons.

LETTER from *G. Arthur*, Esq. to the Right Hon. Sir *George Murray*, &c. &c. &c.

Sir, Van Diemen's Land, 4th June 1830.

With reference to your despatch respecting the case of the four convicts who escaped from this colony, and were re-transported by the "Mary," I have the honour to call your attention to the 22d section of the Transportation Act, by which convicts found illegally at large in any part of His Majesty's dominions are liable to the punishment of death. But the convicts in question, though in the act of returning to England, were apprehended at Rio de Janeiro; their offence therefore did not come within this provision; and I would respectfully submit for your consideration, whether it would not tend greatly to prevent the escape of convicts if it were provided that all transported offenders who should be found illegally at large in His Majesty's dominions, or in the dominions of any foreign state, or at sea, attempting to escape from transportation, should be made liable to capital punishment.

I venture to submit this to your consideration, as I have no doubt such an enactment would prove a powerful restraint over the convicts transported to this colony.

I have, &c.

(signed) *G. Arthur.*

EXTRACT of LETTER from Captain *Laws*, dated His Majesty's Sloop Satellite, Poperto Harbour, Otaheite, 11th March 1829, to *J. W. Croker*, Esq. of the Admiralty.

"His Excellency General Darling having represented to me that he had received a letter from the Chief of the Society Islands, informing him that a vessel had arrived there which had been piratically taken from New South Wales last year by sixteen convicts, which convicts, after wrecking the said vessel on Sir Charles Saunders' Island, had distributed themselves among the Society Groupe, some at Otaheite, others at Emeo, Raiatea and Huahum, and were committing the most violent acts of robbery and even murder among the inhabitants; four of them having plundered one of the principal chiefs of nearly all he possessed, including six muskets, powder, &c., and stolen a boat from an English missionary; and when the natives went unarmed to request them to return the property, they shot two, wounded six, and made off.

"From this representation, and at the request of his Excellency General Darling, after visiting New Zealand, and showing protection and countenance to the trade there, agreeably to my orders from Rear-Admiral Gage, I came here, where I arrived on the 1st instant; and having taken those prisoners that were at this island, I shall to-morrow proceed to Ulietea, and from thence to Huahum; and as it is believed the four men who killed and robbed the people of the latter island are now at Tongataboo, I shall touch at that island on my return to Port Jackson, which will be as soon as possible."

LETTER from Captain *William Waldegrave* to Rear-Admiral Sir *G. W. C. R. Owen*, Commander in Chief, or the Senior Officer of H. M. Ships and Vessels, Sydney, New South Wales.

His Majesty's Ship Seringapatam,
Sir, Tongataboo, 27th May 1830.

Having visited the Society and Friendly Islands, in obedience to the orders of Rear-Admiral Baker, commander in chief on the South American station, I beg leave to state that I was requested by several masters of merchant vessels trading among the Feejee and Friendly Islands, to go to the island of Rolumah, in lat. 12° 30′ south, and long. 177 east, to take away 30 English persons, one half of which were said to be convicts, the other half deserters from British merchant vessels, who were residing on that island, to the terror of all merchant vessels visiting that island, as their habits were such as to excite the natives to evil; their intention was supposed to be to seize upon some small merchant vessel, and commence piracy. I regret to add that the Friendly Islands, the Navigator's Island, abound with evil-disposed sailors, deserters and convicts, who do much injury to the British interests by exciting the natives to wrong. I was also requested to take away eight of the late crew of the brig Minerva, of Port Jackson, Peter Bays, master, from Turtle Island, wrecked in September 1829, in lat. 19° 48′ south, long. 178 3 west; but I deemed it too hazardous to take my ship thither, and I could not arrange any suitable plan of removing them by a merchant vessel, except at an enormous expense. Under these circumstances, I take the liberty of suggesting that a man-of-war brig, or a sloop of war, be forthwith sent to clear these islands of such dangerous subjects; it is hazardous to send a large frigate, as the

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Escape of Convicts from Australia.

the sea-room among these islands is small. A pilot, and information, may be obtained of the missionaries at Nicolofa, in the island of Tongataboo: presents of handkerchiefs, large hatchets, large table-knives, blue beads, and printed Manchester goods, given to the chiefs on the delivery of the persons, will be most pleasing. I recommend a mild and calm conduct towards the chiefs, and that powder and fire-arms should not be given as presents, or permitted as barter; and I have universally refused them, and have obtained abundant supplies with other articles. My orders did not permit me to visit Rotumah or the Navigator's Islands.

I have the honour to be, &c.

(signed) *William Waldegrave*, Captain.

EXTRACT from LETTER, dated Parsonage, Paramatta, 2d August 1830, from the Reverend Mr. *Marsden*, to His Excellency Governor *Darling*, &c. &c. &c.

"I MAY further observe, from the constant communication between New South Wales and New Zealand, it will be impossible to prevent the convicts from making their escape to these islands, where they commit every crime, until an opportunity offers for them to return to Europe or America, which is not difficult for them to meet with, from the number of vessels which put into the different harbours. These runaway convicts would be easily apprehended by a King's vessel, whereas at present they go where they like, and none can interfere with them; these evils will increase with the increased communications, if no legal check is put to them. Having made the above observations, I respectfully submit them to your Excellency's consideration."

Appendix, No. 5.

RETURNS of CONVICTIONS in the Courts of Quarter Sessions, at *New South Wales*, in the Year 1827, and in the Criminal Court of Judicature, in the Years 1828, 1829, and 1830; distinguishing the Offence of which Convicted, and the Number of Capital Convictions and Executions.

No. 5.
Convictions in the Quarter Sessions at New South Wales.

RETURN of the Number of OFFENDERS CONVICTED in the Court of Quarter Sessions at *New South Wales*, during the Year 1827; distinguishing the Offence of which Convicted.

Stealing money	10
— watches, jewellery, wearing apparel, &c.	18
— pigs, poultry, &c.	12
Petty thefts	44
Receiving stolen goods	11
Assaults	20
Assaults with intent to ravish	2
Assaulting and obstructing constables	10
Keeping disorderly houses	1
Obtaining property under false pretences	2
	130

N. B. The sentences awarded by the Court were chiefly to be worked in irons in the chain-gangs, for periods ranging from three to twelve months, and sometimes two years. In some cases male offenders were transported for seven years to the Penal Settlements. Females were imprisoned in the Factories, and kept at hard labour for different periods.

No. 5.
Convictions in the Quarter Sessions at New South Wales.

RETURN of the Number of OFFENDERS CONVICTED in the Supreme Court of Criminal Jurisdiction at *New South Wales*, in the Years 1828, 1829, and 1830; distinguishing the Offence of which Convicted, and showing the Number of Capital Convictions and Executions.

	1828.	1829.	1830.
1. Offences against the *Person:*			
Murder	7	11	11
Rape	1	1	3
Stabbing, shooting, or cutting with intent to kill	3	8	5
Manslaughter	6	2	7
Assault with intent to commit rape	4	2	1
Unnatural crimes	2	- -	5
Common assault	14	17	—
2. Offences against *Property:*			
Burglary and stealing in dwelling-house	62	57	80
Highway robbery	13	25	23
Cattle-stealing	31	12	18
Forgery	3	4	6
Arson	- -	1	1
Other offences	64	123	117
3.			
Libel	3	2	1
Perjury	1	1	—
Conspiracy	3	—	—
TOTAL Convictions	217	266	278

	1828.	1829.	1830.
Total Number of Persons capitally Convicted	106	73	134
Total Number of Criminals Executed	28	30	49

N. B. The Return for 1828 was taken from Blue Book of that year. Those for 1829 and 1830, from the Returns of Crimes and Punishments sent home annually, and does not include Offenders tried at the Quarter Sessions.

Appendix, No. 6.

No. 6.
On the system of Transportation to New South Wales.

LETTER on the PRESENT SYSTEM of TRANSPORTATION to *New South Wales.*

SIR,

IN reply to your inquiries, I have now the honour of submitting to you some observations upon the measures which appear to me best calculated to enforce stricter discipline and order amongst the convicts in New South Wales; to repress the licentiousness which unhappily exists in this settlement; and thus to render transportation more effectual as a punishment.

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On the system of Transportation to New South Wales.

I am sensible that the ordinary limits of a letter of this description will not admit of my discussing this important and difficult subject with that attention to minute and practical details which may be desirable before great and expensive alterations are adopted, and which indeed are the less necessary on account of the evidence you have already obtained from other sources.

My present object, therefore, is, to present to you, in a simple and condensed form, the general result of the information I have collected during a series of years, from my own observations, the experience and knowledge of my family, or of strangers who have visited the Colony. The first and most important alteration of the present system of transportation, and that upon which I believe every subordinate measure will be ultimately found to depend, is:

That no convicts should be sent to New South Wales or Van Diemen's Land, but such as are, by age, constitution, and previous habits, fitted for employment, either as agricultural or domestic servants, artificers, mechanics, and handicraftsmen. The remainder are not merely unprofitable and useless, but are, in fact, immediately, or indirectly, the causes of the insubordination, vices and crimes, which have been forcibly, but I fear, correctly, described to you. No real advantage can indeed be expected from the crowd of helpless outcasts who arrive in the Settlements under the various classes of forgers, utterers of forged instruments, clerks and apprentices, guilty of embezzlement, swindlers, pickpockets, and some description of thieves, from cities, and large manufacturing towns.

The greater portion of these have been educated, and many are respectably connected. They are not persons who have become criminals from ignorance, or under any sudden impulse created by actual want; but have gradually fallen from useful and honourable occupations by the indulgence of vicious passions, or a long course of sensual gratifications. Such men carry about with them a moral taint, and feeling of self-degradation which makes reflection intolerable. The means of excitement become as necessary to them as bread to the husbandman, and must be obtained at every sacrifice. There is no rural pursuit to which they have been trained. They have not been accustomed to labour; and whether young and active, or enfeebled by age and debauchery, no industrious settler with the foreknowledge of their corrupting influence, will, excepting by the direst necessity, receive them into his establishment. He fears the insubordination which they have talents to excite. He dreads the example of their vices, and calculates that their services will not repay him the cost of providing them with food and clothing: unable, therefore to distribute them through the country, the Colonial Government is reluctantly compelled to permit their residence in the towns, where some obtain tickets of leave, and others employment as clerks and servants. They become shopkeepers, and, as part of their trade, receivers of stolen goods. Supplies of money from confederates in England, from friends, and relatives, or the produce of their robberies and frauds in the colony, are alike wasted in drunkenness and debauchery.

Nor is it less painful to know that those whose sentences have expired, or to whom pardons have been granted, seldom or ever incline to reform, even when they have acquired property. Intoxication and fraud are habitual to them; and hardly six persons can be named throughout the Colony, who being educated men, and having been transported for felonies, have afterwards become sober, moral, and industrious members of the community.

Crime is of constant occurrence, and so completely organized, that cattle are carried off from the settlers in large numbers, and slaughtered for the supply of the traders in Sydney, who contract with the Commissariat. It is not, therefore, the vicious habits alone of the towns which are to be dreaded, but the effects that are communicated and felt throughout the country. The agricultural labourer is encouraged to plunder his master by finding a ready sale for the property he steals, and whenever his occupations call him to the towns, he sees and yields himself to the vicious habits around him. He returns intoxicated and unsettled to his employer's farm, and excites his comrades to the same sensual indulgences, with equal disregard of the risk and of the consequences. To these causes, the present vicious and disorganized state of the convicts in New South Wales is chiefly attributable; and the extent of the evil may be in some degree estimated, when it is stated that the expense of the police establishment amounts to more than 20,000 *l.* per annum.

It amounted in the year 1829 to 21,632 *l.* 3 *s.* 5 ½ *d.*

I will now proceed to detail the mode in which the convicts on my father's establishment are managed, of whom not many years since 150 individuals were supported by him, although I have at present no means of ascertaining the existing number. They are well clothed and fed; they attend divine service on the Sabbath, the Protestants in one room, the Catholics in another; and generally appear to be contented and happy in their employments of shepherds, mechanics, and servants in husbandry. With the exception of a small number who were retained as servants at Parramatta, these persons were employed on estates in the Counties of Camden and Argyll, at a considerable distance from Sydney, and where communication with the vicious inhabitants of the towns was checked, if not absolutely prevented. The overseers and clerks are free men, whose education, habits, and characters, entitle them to, and therefore command respect from the convicts placed under their control; whilst the dangers of insubordination are sensibly diminished by the careful exclusion of those belonging to the unprofitable and useless class.

If it be objected to this system, that it is not sufficiently severe to effect the great object of human punishments in deterring men from the commission of crimes, I answer that it should be examined, not in the abstract, but in comparison with other modes of employment, for the question is not whether it be free from objections, but what are its merits in comparison with other systems. When supplied equal to the demands of the estate, the convicts on being first received, are invariably put to hard manual labour, such as felling and burning

off timber, breaking up the soil, digging, ploughing, &c. and those who conduct themselves well, are promoted to be shepherds, domestic servants, &c. according to their qualifications. They are thus gradually brought back to the stations they have forfeited, but the discipline of the intermediate state is painful, and is felt to be so, because the temperance that is enforced, ensures, in some degree, the frequent reflection that they are separated from home, from friends, and kindred, and stripped of the privileges of free men. What system of human punishments can effect more, either for example, or reform? And does it not combine the more important objects of the Hulks and of Penitentiaries, at the same time that it contributes to stock the market with the labour that is requisite.

I admit, indeed, that it excludes from its operation the class of educated convicts, who are useless and unprofitable as labourers, and whose reformation I consider to be hopeless, and who ought therefore to be disposed of in some other way. Difficult and even expensive as this may prove, I am convinced it is essential, and that no remedies can otherwise be successful. The existing vices and evils are now frightful in a moral, but they will soon become alarming and dangerous in a political point of view. The towns, as I have already stated, are filled with the most useless and depraved men. Instead of adopting the habits of others, they communicate their own. With numbers they have acquired confidence, and already give a tone and character to the society. Lord Bacon, who felt a warm interest in the American plantations, says in one of his Essays: "It is a shameful and unblessed thing to take the scum of the people, and wicked condemned men, to be the people with whom you plant; and not only so, but it spoileth the plantation; for they *will ever live like rogues*, and *not fall to work*, but *be lazy and do mischief*," &c. Nor are the political consequences unworthy of notice. Republican sentiments are in active operation. It is made a merit among the lower orders to treat their superiors with disrespect, and there appears already the germs of a wild democracy. Without contemplating, therefore, any immediate danger, it is surely necessary to provide against the increase of evils which may, in time of war, hazard the safety of the colony.

To determine generally that no more convicts shall be sent to New South Wales, will not, I conceive, remove or materially diminish the existing difficulties, because the market is far from being overstocked with labour. On the contrary, it can be satisfactorily shown, that the Colonial Government is even now unable to answer the demands of the settlers for useful men, and consequently, that the progress of cultivation and improvement is materially checked. The superabundant class consist of persons unaccustomed to, and incapable of labour; and these the settlers naturally refuse to employ, because they are unprofitable.

The addition, therefore, of every convict who can labour is valuable and desirable to the community, whilst the addition of every other can only tend to increase the existing evils. It is important also to consider that the places occupied by convict shopkeepers, clerks, and overseers, would be filled, from necessity, with educated young men, and farmers' sons from England, who would afford examples of good morals and conduct to the lower orders of the community. There is, at present, little difficulty in inducing such persons to emigrate, and the increasing attention paid to education throughout the kingdom, will not only facilitate this, but even make it expedient, in other points of view, to afford outlets for those who are desirous and qualified by instruction, to advance their stations in life.

Having thus endeavoured to establish the importance of examining and classing the convicts in England, and of sending in future to New South Wales and Van Diemen's Land such only as are, by age, constitution, and previous habits, fitted for laborious employments, I shall proceed to other parts of the subject. It is a common error with persons intrusted with the management of convicts, to incite them to exertion and to the completion of useful public works by gifts and indulgences, and thus the great object of punishment is lost sight of, and rendered subordinate to that which, although of immediate advantage, is comparatively of little importance. Instead of suffering this, every sacrifice should be made either of convenience or economy to enforce regular habits, sobriety and discipline; for, without these, the penal settlements will never be dreaded, and the effect of example must necessarily be lost.

I have already explained the great alteration in the system of transportation, which appears to me to be paramount in importance to every other, and which depends upon the determination of His Majesty's Government in England. If this be adopted, the complete distribution of the convicts as labourers and servants throughout the country may be effected, and the vicious examples now presented in the towns greatly diminished. Next in order to this should be the abolition, or, at least, complete reformation of the present system of granting tickets of leave to convicts; the establishment of an intelligent police, and particularly of horse patrols; the formation of a small colonial militia to repress insubordination amongst the convicts, and considerable additions to the powers now entrusted to the magistrates for the punishment of prisoners. I would also recommend that a Provost Marshal, with deputies, should be established, as in a camp during the time of war, with power to inflict summary punishment upon the convicts.

These points include a variety of minute regulations, which it is not in my power to detail, and which may be most easily and satisfactorily accomplished by colonial regulations emanating from the Legislative Council.

There are, however, measures of great difficulty and importance, which must depend entirely upon the executive authorities. The first of these is the punishment of death. When a man convicted of a capital felony in England, who has already experienced the Royal mercy by a commutation of his sentence to transportation, is again guilty of similar crimes in New South Wales and Van Diemen's Land, is not his life justly forfeited, and would it not be advisable to leave him for execution? What hope can be entertained of

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reforming men who persevere in the commission of burglaries, highway robberies, cattle and sheep stealing, arson and forgeries, when they have not only previously experienced the clemency of the Crown, but have been removed to situations where want and poverty can no longer be pleaded by them in extenuation of their crimes? Surely, in such cases, the certainty of punishments becomes mercy to the living, and might by firmness and discrimination be reduced to a system which is not practicable in England, where a vast variety of circumstances commonly occur to vary and modify the degree of criminality in every case. This is a subject certainly which requires much discussion before any rules can be defined, and, after all, their success must principally depend upon the judgment of the person to whom the execution of them is confided.

It has long been the practice in New South Wales, and Van Diemen's Land, to give grants of land to persons who have been convicts, on their receiving pardons, or on the expiration of their sentences. The evil consequences are stated in various parts of Mr. Bigge's Reports, and it is not difficult to show by the most conclusive evidence that this has been one great cause of the licentiousness that at present prevails.

When these persons receive prisoners as labourers and servants, there is naturally a fellow-feeling between them; they live together as equals, indulge in frightful habits of intoxication, and when too indolent to labour, resort to frauds and thefts for the means of gratification. It would be wiser, therefore, as a general rule, to make such persons *tenants at will* of the Crown; and only to give grants to free settlers who have capital, and will afford the example of good conduct and morals to the convicts assigned to them.

With the same view it becomes most important to encourage an extensive emigration of *respectable inhabitants*, amongst whom the prisoners may be distributed. The Quakers are a class who could not fail to prove extremely useful, and by liberal encouragement I am persuaded that a large body of these persons might be induced to establish themselves in New South Wales; latterly also, there has been a disposition on the part of Indian officers to retire from the Company's service and settle in the colony. They are no longer able to make the fortunes which were formerly acquired by officers of rank, and with 10,000 *l.* 15,000 *l.* or 20,000 *l.*, it is not unnatural that men with families should desire to establish themselves in a country where the climate is peculiarly healthy and the soil fertile, instead of returning to England, where a vigilant economy would become necessary, and where the difficulty of providing for their children is already great, and constantly increasing. Emigrants of this station, and with such a command of capital, should receive grants of 10,000 15,000 or 20,000 acres of land, and could be thus enabled to proceed upon that regular and methodical system which is necessary to enforce discipline.

But, after all, the extent of emigration to the colony will always be influenced by the character and conduct of the Local Government; if it be liberal and enlightened, capital will naturally be drawn to the colony; and if the contrary, no prudent man will incur the risk of removing to so distant a quarter of the globe.

I proceed in the last place to offer some general observations upon the place and discipline best adapted for the reception and management of the useless and unprofitable class of convicts, in which my object is rather to invite your attention to some important and difficult questions than to propose, myself, a plan which will be free from objections.

In every mode, indeed, of considering the punishment of transportation, difficulties will occur; and even at first it appears to have been resorted to, rather from the necessity of providing for a crowd of criminals, than with a reasonable expectation of its operating as an example more effectually than confinement in a gaol.

In the Roman Law the judicial sentence "Aquæ it ignis interdictio," was merely banishment from Italy, and left to the criminal the option of going to any other place he chose. Augustus introduced two new forms of banishment: 1. Deportatio—perpetual banishment to a certain place; and 2. Relegatio—either a temporary or perpetual banishment to a certain place, without depriving the person of his rights and fortunes.

To the common law of England, the punishment of transportation was altogether unknown; but "abjuration of the realm" bore a strong resemblance to the sentence of "aquæ it ignis interdictio." It was permitted, says Sir Edward Coke, when the felon chose rather "perdere patriam quam vitam." The oath of perpetual banishment was administered to him by the coroner in the sanctuary to which he had fled, and a cross delivered into his hands for protection on his journey. This custom was virtually abolished by the statute of James I., which took away the privileges of sanctuary, and we find soon after the first instance of convicts being transported to the Plantations. In the year 1619, the Treasurer and Council received a letter from James I. "commanding them to send 100 dissolute persons to Virginia, which the knight marshal would deliver to them," and in obedience to the Royal mandate, these persons were transported, although at a considerable expense. The only law that could then authorize this punishment, was the statute of Elizabeth, which enacted, "that dangerous rogues might be banished out of the realm." But from the circumstances of the transaction, Mr. Chalmers has observed that these obnoxious men were probably transported, agreeably to the genius of the administration of that reign, by prerogative. At all events, "those dissolute persons," according to the authority of Stith's History, "were very acceptable to the colonists," who considered "that their labour would be more beneficial in an infant settlement, than their vices could be pernicious."

It has not been my good fortune to meet with any account of the manner in which convicts were treated in the American plantations, except in Defoe's novel, entitled the "Life of Colonel Jack," the incidents of which are said to have been drawn from real life, and are described with that attention to minute particulars for which the writer is so justly celebrated. It is there mentioned that transported felons arrived in Virginia, "some burnt in the hand,

others

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others not," and that they "were *bought* for the respective terms mentioned in their warrants, some for a longer, and some for a shorter term of years," "that they worked with the slaves under an overseer's lash," "naked and hungry," "weary and faint," "oppressed with cold at one season," and "heat in the other," "until nature was sinking under the load." As the colonies, however, increased in numbers and civilization, the difficulties attending the punishment of transportation began to be felt, and are distinctly acknowledged in the following document which is not inapplicable at the present time.

"AT the Court at Kensington, the 25th of November 1697.

"Present, the King's Most Excellent Majesty in Council. Upon reading this day at "the Board, a representation from the Council of Trade, relating to the transportation of "convicts to the plantations, and the difficulty of disposing of such convicts there: It is "ordered by His Majesty in Council, that it be referred to the Council of Trade, to con- "sider how and to what places convicts, which shall be pardoned upon condition of trans- "portation, may be best and most effectually disposed of, or what other punishment might "be proper for such convicts in lieu of transportation to His Majesty's colonies in America.

(signed) "*John Povey.*"

In New South Wales, as in America, for many years, there was little difficulty in disposing of the convicts, and preserving strict discipline. Their dispersion was more complete; whilst population was scattered, not only were there fewer means of indulgence, and temptations to crime, but detection was comparatively certain; offences were of less frequent occurrence and the punishments more severe; a marked distinction was preserved between the convict and the free man; the example of the former was to be avoided and of the latter to be imitated. Transportation was therefore dreaded at home, because it deprived the criminal of society and comforts to which he had been accustomed. An extension of the system of the hulks, or the erection of a large Penitentiary, would seem best adapted for the educated class of convicts, and I do not think that any species of punishment would impress the mind of persons capable of reflection with such just alarm. The difficulty of procuring the means of excitement, the solitude, the considerations which it becomes impossible for him to exclude, that he has sunk from the respectable class to which he belonged, and that he lives degraded in the sight of relatives and friends who were once his associates, the confinement itself, all carry with them terrors which cannot operate as forcibly upon the lower order of criminals. If it be objected that this system would be painful to the innocent relatives and friends, or productive of many troublesome applications to Government, I can only answer, that these are inferior considerations compared with the advantage of establishing a species of punishment that shall deter men in reputable and confidential situations from the commission of crimes, and restore to transportation the necessary terrors.

Appendix, No. 7.

No. 7.
On the Effects of Transportation to New South Wales.

LETTER from the Rev. *T. H. Scott*, to Lord Viscount *Howick*, on the EFFECTS produced by TRANSPORTATION to *New South Wales*.

MY LORD, Whitfield, 6th September 1831.

1. I HAD the honour of receiving your Lordship's letter of the 10th of August, on my arrival here, calling my attention to the Effects produced by Transportation to New South Wales, and requesting I would communicate to you my opinions on these points, that they may be laid before the Committee of the House of Commons on Secondary Punishments.

2. The first point to which your Lordship calls my attention is the effect on the moral character of convicts under the present system of transportation.

3. Transportation to New South Wales has most decidedly failed in producing the effects originally proposed, both as a punishment for, and a prevention of crime: and it appears to me impossible that the Colony can be continued as a penal settlement, and be governed by the laws of England.

4. This has arisen from the relaxed state of discipline, and the indiscriminate indulgences granted to convicts whose conduct has not deserved them; and also from a premature introduction of the free institutions of England. On the latter point, I beg at present to decline saying anything: on the former, the following are, among many other, reasons for coming to that conclusion.

5. The crime stated in the indents or lists sent out with each ship, *is not sufficiently particularized*, so as to enable the local authorities to apportion the degree of labour as a punishment in the Colony.

6. The characters given whilst in gaol, and in the hulk, which are written on the indent, and during the voyage by the surgeon, rarely prove in the end to be more than for the purpose of getting themselves well recommended; yet, as these *sometimes* are of service in other ways, they ought not to be discontinued.

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7. Sufficient discrimination is not made on arrival in assigning the convict, in proportion to his crime, to the term of his sentence, or *as to the character of the individual* to whom the convict is assigned; this last is of the *utmost importance*, both as to correcting the vices of the convict and the discipline of the Colony. There is no doubt that if this *most important feature* was attended to more strictly, and under quite a different system, a great improvement would arise.

8. I have known many instances of the most profligate and abandoned *freed* men, or, as they are called, *emancipists*, supplied with convicts, who have become instruments in the hands of their masters and family of every species of crime. In one case, a man actually in prison under sentence of death, which was commuted to transportation for life to a penal settlement, had a convict assigned to him, whilst the most respectable persons in the Colony have been refused.

9. There are instances also of convicts being assigned to bad characters, who by some accident have been removed to other more respectable settlers, and who have become useful members of society, and they received their pardons; but they are very few indeed compared to the number of worthless wretches who have received both pardon and land. This shows how indiscriminately they were assigned.

10. The instances of *well-conducted* convicts, who are now proprietors of land, settled on it at an enormous expense to the Crown, are very few indeed. If the progress and character of all those who have received these boons were thoroughly investigated, such details of fraud and vice would be unfolded, a stranger would scarcely believe. Many of these were investigated under the Commission, and my own personal knowledge of others since, enables me to state this fact.

11. Most of the evils which have occurred in the Colony must be attributed to indiscriminate favours and indulgences, granted alike to good and bad. Had a rigorous selection been made, from the first, of none but *deserving* convicts, and the lands not granted but *leased*, during good conduct, to descend to their children as freeholds if the parent died in possession, the Colony would at the present moment have been a very different society. The fact cannot be denied, that men who have no claims either on account of *education*, *conduct*, or *honesty*, have become proprietors of land, at a period when many honest and industrious persons are starving in England.

12. These boons, granted so indiscriminately to such characters, have operated as a bounty on crime. The mass of convicts and *freed* men so much outnumbers that of *free and respectable* persons, that a still greater extent of evil must prevail if the system be continued, or unless restrained by *a powerful and vigorous government*, and by the settling large bodies of unconvicted and *respectable* families who *possess capital*, and by a marked discountenance of immoral characters. The surest proof of contrition is an observance of strict and unpretending retirement; the feeling of shame for past transactions is the strongest, indeed the only indication of a thorough reformation. The possibility of regaining public esteem and respect should depend on such good feeling, and such good conduct. The example of others should teach this salutary lesson to the newly arrived convict; in the first instance he should be kept under *many* and *severe* restrictions, which should be gradually relaxed as his good conduct merited indulgence, but then there must be a different class of settlers than the present *freed* convicts, who are to give these certificates.

13. Now what are the examples before the newly arrived convict? Unfortunately, convicts who have acquired property *generally* by dishonest means, and *still practice them*. In nine cases out of ten, the first step to wealth has been the sale of spirits for stolen goods. It is well known that every grog-shop is a receiving house. A regular traffic of stolen goods was carried on between New South Wales and Van Diemen's Land, to a large extent, and is still carried on between England and New South Wales.

14. The history of a convict may be thus traced: On his arrival, if he be not retained for the use of the Government, (which most of the mechanics and useful sort were), he is assigned to some applicant, without regard to his crime, sentence, or behaviour, and far too often, without regard to the character of the applicant. If the latter be one of the *freed* men, the convict most likely eats and drinks with him, and shares in all the familiarity of his *domestic* life (if it can be so called) of drunkenness and debauchery. Under little control, and often through bad and harsh treatment, he runs away, or is seduced away, and gets drunk, commits some theft, and is taken up and is punished by being returned on the hands of Government, or sentenced to some imprisonment. Of these, in the year 1829, there were upwards of 4,000 at the different stations, where the overseers of the different gangs are convicts themselves; and if they are near places where work is to be had, especially near Sydney, nothing was more common than for the overseer to wink at the absence of the convict for many hours from his employ, and share with him his gains, which, if he were a good mechanic, would be four or five shillings. As they were fed, clothed and housed by Government, the surplus generally was spent in spirits, and to this may be attributed the very large consumption of that article, from whence also is derived so great a portion of the revenue. If, therefore, this system were abolished, the colonial revenue would necessarily be reduced, but the effect on the conduct and character of the convict would be altered. If there have been a *few* instances of individuals who have improved, those men have not sought, nor do they now seek, for power, nor do they desire to see it possessed by their own class: they are very sensitive, and this produces a desire to seek retirement and to shun power and publicity.

15. The contrast is very great in Van Diemen's Land, where, in consequence of its having been

been in the origin a penal settlement to New South Wales, very few *emancipated* convicts were settled, and having frequently travelled over that colony on my duties, I was much struck with the great difference both as to discipline and conduct. I attribute this also to the example set by most of the Government officers and free settlers, who are, generally speaking, of a better class, and have better feelings than those in New South Wales.

16. The settler is obliged, by a regulation of the Colonial Government, to supply the convict not only with a very ample allowance of food and raiment, namely, 7 lbs. of fresh meat, or 4 lbs. of salt pork, and 10½ lbs. of flour, weekly, and two suits of clothing annually, but to pay him *ten pounds* sterling per annum *as wages*, which sum is usually laid out in tea, sugar, tobacco, spirits, and extra clothing. This last is very unnecessary, most oppressive on the settler, and pernicious to the convict. Such indulgences should not be compulsory, but may be distributed as rewards for good conduct; they would then operate as a stimulus to continue to behave well. This large sum as wages has operated very much to destroy all discipline; and the very improper and indiscriminate method of assigning convicts has also largely contributed to that evil. There are *other causes* I cannot now enter on.

17. To this may be attributed, the bad conduct of the convict, the complaint of the master, the consequent punishment by being returned on the hands of Government, and the ease with which he then gets a supply of money.

18. The high rate of wages, about which so much has been said, is fallacious. Instances do most certainly exist; but on agreeing for work the first question asked is whether the payment be *in money* or (as the term used) in "*property*," that is, provisions, spirits, &c.; if the latter, the labourer knows very well the enormous advance his employer puts on the goods, rarely under 90, and oftener at 200 and 300 per cent. above the prices at the shops, and he consequently asks wages in proportion. In the interior, where supplies are not to be had through any regular channel, this mode is absolutely necessary, and this is the way the ten pounds are expended by the convict for the extra things he wants; but in all the large and well regulated establishments, a moderate advance is put on the article, sufficient to pay the loss by waste, &c., and the expense of carriage, which is very high. The earnings by convicts employed by Government, and shared with the overseers, arise chiefly from the improper distribution originally; and if really high wages have at times existed, that has arisen from the ill-advised monopoly of the mechanics by the Government, leaving the settler to struggle as he can to erect his buildings, &c., and carry on his operations, and have recourse to all sorts of contrivances to procure workmen, whereas they might have been distributed to the applicants, and then wages would not have been at even their *nominal* high rate.

19. When the convict becomes refractory, the difficulty a master has is very great in obtaining speedy justice, frequently in consequence of the great distance at which the magistrate resides, and also leaving his property to convict servants, and *the uncertain state of obtaining redress*; or if it be a capital offence, and he lives in the interior, he has to travel perhaps 200 miles to Sydney, with witnesses, &c., because circuits have not been established. Although the convict may, and does often lay under the same difficulties, yet he runs less risk than his master.

There is a great difficulty in procuring *proper and efficient* persons as gratuitous magistrates, or even as resident magistrates with a salary, in each district, sufficiently qualified to carry a proper system of control into effect: they are afraid to do their duty.

20. The very scattered state in which the convicts are *necessarily* placed, (and to concentrate them would be absolute ruin to the colony and the settlers), renders it almost impossible to give such strict and constant superintendence from the master (even if he were disposed to give it) so as to produce a *thorough reform*; nevertheless, in well regulated establishments, where proper attention, discipline, good treatment and regularity have been observed, and especially in those large establishments which have numerous flocks of sheep, the men for the most part are orderly and less subject to temptation; neither are the complaints frequent from the master or convicts; at the same time there have been many instances of cruelty and oppression on the part of mercenary masters, which, under a proper system, could have been easily redressed.

The introduction of convicts to a colony intended as a place of punishment demands the most serious consideration. The fact that America and the West India Islands, upwards of a century ago, and with a population, presumed to be as moral as any in Europe, of nearly two millions, having become alarmed, ought to awaken us to the danger of such hasty changes as have been made within the last ten years in New South Wales, on very fallacious and incorrect information, rather, I should say, the effect of passion than of reason. If the Americans became alarmed, the *free* inhabitants of New South Wales have much more reason to be alarmed by such a majority of convicts; and how much more difficult it must be to rule and restrain within bounds such a majority as exists in New South Wales, and which is daily increasing; and undoubtedly a system of strict discipline will be more difficult; but it is not *the high value of labour*, about which so much has been said, which is very fallacious, nor is it at all the interest of settlers to give those high wages.

21. The separation of husband and wife is another evil caused by transportation. The domestic habits are destroyed; the children are left generally to be brought up in a very bad way; and, after a time, both parent and child become indifferent to each other's fate. If it were possible, when a married man or woman was transported, to allow the family to follow immediately, with express orders that they should *all* be assigned to *some most respectable settler*; or in the case of that not being immediately possible, to be placed together on some Government establishment, the injurious effects I have alluded to in the following

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following remarks may be destroyed, at least greatly palliated. But it would be attended with expense, and the unconvicted party must submit to restraints and regulations which now they do not, and will not acknowledge.

22. It would, however, require a very elaborate essay to enter into the detail of a penal settlement mixed up with the free laws of England; and it would require some years experience before a person could feel himself competent to undertake the carrying such a system into effect.

The second point to which your Lordship has called my attention is the disproportion of the two sexes.

23. This is another demoralizing cause, yet there are innumerable difficulties attending a remedy. If the wife and family of a convict are sent after him, transportation ceases to be a punishment; it also adds very much to the expense. The usual course taken is, by an application to the Governor, who, when he is satisfied that a convict can maintain his wife and family by his own labour, forwards a list to the Home Government, which will send them out free of expense. But it too often happens that in the interval the convict has committed some offence, and is transported to a penal settlement, or has been executed.

24. Few settlers will be encumbered with the family of a convict, as it entails the expense of food, &c.; and often they will not take a female servant having a child.

25. If the man be in the employ of Government, or has committed any crime, he is separated from his family, and the woman betakes herself to prostitution. The children are usually placed in the male or female orphan schools, at the expense of the Government.

26. Most commonly marriages take place with no other object than of getting away from the controul of Government, or of masters, to live together for a time, and then part. Thus prostitution is carried on to a great extent.

27. When a married man or woman is transported, oftentimes much difficulty occurs about ascertaining the real truth of the marriage. Usually this information is transmitted from the place of trial, through the Home Department, and stated in the indents sent out to the Governor; but frequently circumstances arise to induce the parties to give a different statement; hence the difficulty to prevent bigamy and its consequences.

28. Instances are not uncommon of property having descended to children, and then another family has appeared and claimed it.

29. Up to the year 1810 few marriages were solemnized, and the number of illegitimate children was considerable. After that time marriages were more frequent, and the children of those marriages have lately begun to claim the property possessed by those born before wedlock.

30. The facilities given to marriage amongst the convicts certainly had a good effect in some cases, though not in others. Latterly the restrictions and impediments, made with laudable views, have had the opposite effect intended; and concubinage again has become very prevalent. On the one hand the Government has been too severe, and the clergy too eager.

31. Many men and women having left families behind, and finding they had little or no chance of seeing them again, have betaken themselves to concubinage, who would have avoided it if they could.

32. This, perhaps, is one of the most difficult subjects attending transportation, for whatever rule has been laid down, unforseen obstacles have started up in practice.

33. The great disproportion of the two sexes, (I think it is one to thirteen amongst the *convict* population; and one to four or five, taking the *whole* population,) leads to other vices and crimes into which it is not perhaps necessary for me to enter; but some steps should be taken as early as possible to prevent them.

34. It would unquestionably be better not to send any *male* convict whose sentence is for *seven* years; they are more restless, and give more trouble than others. It is also questionable about those for *fourteen* years; yet they are less troublesome than the former.

35. Those sent out a *second time* ought to be more severely punished on arrival, and immediately placed at some penal settlement in the Colony.

36. The better educated convicts, such as bankers and attornies clerks, and schoolmasters, cause very great trouble, especially after their sentence has expired. It is my decided opinion they ought to be punished with greater severity, or not to be sent to New South Wales at all.

37. Some special provision should be made, by a colonial law, to hold the convict whose sentence *has expired*, under some bond or control for his good behaviour, and subject to some summary punishment. Many of this class are the most outrageous and vicious.

38. I have not the slightest doubt that a more coercive system might be adopted by the local legislature; and though the restraints, at least some of them, would affect the free settlers, yet the inconvenience would be too trifling for any reasonable or well disposed person to complain of.

Anxious to send this off immediately, I must plead having just arrived from a long journey, and not having my papers and notes about me to refer to, as my excuse for any inaccuracies.

I have the honour to remain,
Your Lordship's most obedient and humble servant,
T. H. Scott.

The Viscount Howick,
&c. &c. &c.

Appendix, No. 8.

PAPERS relative to the Locating Convicts in *Trinidad.*

No. 8. On Locating Convicts in Trinidad.

COPY of a LETTER from Major-General *Lewis Grant*, to the Right Hon. Lord Viscount *Howick*, &c. &c. &c.

MY LORD, London, 29th May, 1831.

I HAVE had the honour to receive your Lordship's despatch of the 25th instant, containing sundry queries relative to the placing Convicts in Trinidad, with the view of obviating the inconvenience of sending them to New South Wales. As your Lordship's communication intimates no ulterior object, I shall reply to the queries as if the intention (conditional on the replies) were to make an unqualified substitution of Trinidad for New South Wales, as the place for the future destination of all transported felons. After having done this, I trust your Lordship will forgive me if I should add some suggestions of my own relative to the subject.

Query 1st.—"Do the means exist of employing any large number of convicts in "Trinidad, in such a manner as to derive from their labour an equivalent for the "expense of their maintenance?"

Answer.—Many representations have been made by my predecessor and myself on the total absence of useful works of defence in the colony of Trinidad, either against molestation from without, or for internal protection; and I conceive it would be a dereliction of duty on the part of the officer in charge to omit this opportunity of inviting Government to a consideration of the subject. I therefore now introduce it as bearing on the present question.

A Report, by a special commission of engineers, was some time ago presented to the Board of Ordnance, relative to this important point, in which the defenceless condition of the island is expressly stated, and clearly explained. I should think that the works which were then recommended would furnish ample employment for 400 or 500 convicts for eight or ten years to come. The total want of works of external defence and internal protection, the comparative smallness of expense in executing them by convict labour, and the accomplishment of the particular object in view, as stated in your Lordship's despatch, furnish, it is conceived, a powerful argument for carrying them into effect; and if Government should determine to do so, I am fully persuaded that an ample equivalent in labour would be derived for the expense employed. An equal, or perhaps a greater number of convicts might be employed in making a dock-yard, and placing a naval establishment at Chagaramus Bay, in Trinidad, and in fortifying the contiguous heights for its protection. I am inclined also to think, that a recommendation to this effect has been made to the Admiralty; a minute survey of this Bay, and the adjacent heights, having recently been taken. I would moreover observe, that no place in the West Indies possesses anything like the same capability or fitness; Antigua establishment being limited in extent, and extremely unhealthy.

Query 2d.—"Supposing this" (in reference to Query 1,) "not to be the case, "what proportion would the value of their labour bear to the charge incurred in "supporting them?"

Answer.—Explained in answer to Query 1.

Query 3d.—"What would be the annual cost, including food, clothing and lodging, of maintaining convicts incapable of labour?"

Answer.—	*s.*	*d.*
7 lbs. of bread per week, at 1 ½ *d.* each	–	10 ½
9 oz. of sugar, ditto	–	2
5 oz. of cocoa	–	2
4 lbs. of salt meat (fish would be cheaper) at 6 *d.*	2	–
10 oz. of rice	–	1 ½
Vegetables	–	3 ½
Per week each incapable *s.*	3	7 ½

	£.	*s.*	*d.*
For maintenance in food, per annum, each	9	18	6
For clothing (say)	1	6	–
Total for each incapable, per annum £.	11	4	6
Add 2 lbs. of salt meat per week, for each person capable of work	2	12	–
Total, per annum, for each person capable of work, on supposition of no aid from their own industry	13	16	6

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A convict's labour should be worth at least 2 *s.* per day; that of a mechanic would bring upwards of 6 *s.*, of a good mechanic, 10 *s.* After the expense of forming the establishment, I should think the labour ought and would maintain it, except perhaps for the first year.

This estimate is made from the price of the soldier's ration, and for males. The cost of maintenance of women and children would be less. It is true that, in the foregoing estimate, no notice is taken of the original expense which would be required to put up sufficient buildings, and to ascertain the establishment; but there would be no difficulty in making arrangements for this purpose, at a very trifling expense, as I could easily explain to your Lordship's satisfaction.

Query 4th.—"Would any difficulties arise, from the locality of the island, in guarding the convicts, and preventing their escape?"

Answer.—I do not perceive anything in the locality of the island that would render the guarding of them, so as to prevent their escape, more difficult than elsewhere; for wherever this description of persons may be, unless a special selection be made, it must be necessary to have a prison sufficiently secure, with chains, guards, keepers, &c. &c. &c. to prevent their egress, unless under escort. But if a selection of culprits were made, these expenses would be almost unnecessary.

Query 5th.—"Do you consider the climate of Trinidad to be such, that an objection could arise on the score of humanity, or might situations be found in which there would be no reason to apprehend any unusual mortality?"

Answer.—The climate of Trinidad is, in general, equally good as that of any other colony in the West Indies, and situations particularly healthy are to be found in it, if there were full liberty to make a selection; but in the case of convicts, from whom labour is of course to be derived, the situation for them must be near the place of their work. In Trinidad this would probably be always in the vicinity of Port d'Espagne, and fortunately this is not considered to be unhealthy. It does not appear to me that the prejudices against the climate (I say prejudices) should preclude the making a cautious trial of a measure, where success, if such should be the result, might prove to be highly beneficial, not only to the class of persons more immediately concerned, but also to their wives and families, and to the parishes likewise which would be relieved from the burthen of maintaining them. May I be permitted to press, at the same time, on you Lordship's attention, as a further recommendation of the plan, that it would furnish the means of ascertaining how far free labour, under certain regulations, may be advantageously employed in the West Indies. If the experiment, after a fair trial, should not succeed, it would be gratifying to reflect that it had been made in a manner the least objectionable, and from motives the most humane, while the loss thereby incurred would amount to little.

I return to the question, and I reason thus: If convicts are placed in hulks on the water, or in prisons on shore, I do not perceive any *physical* reason why disease should be more prevalent among them than among our seamen in men of war, and our soldiers in barracks. I am aware, my Lord, that it may be argued that the labour of the convict, or his confinement in a hulk during the night, under the lee of the shore, might, if hulks should be employed, constitute an important distinction between him and the soldier or sailor.

In regard to the latter objection, I would observe, that it may be easily obviated, since there is such ample space for selecting situations in the Gulf of Paria; and in respect to the former, the impression on my mind from long observation is, and has been, that labour in the West Indies, unless excessive, is rather favourable than injurious to health.

I see nothing therefore on the score of humanity that should obstruct the adoption of a measure which promises results highly important and beneficial. Our sailors in the men of war on the West India station are in general healthy; and in regard to soldiery, I firmly believe that there would not be so much sickness and mortality among them, if their mode of life were less monotonous, and both their bodies and minds occupied by a moderate portion of labour. The sailors of our merchantmen work very hard in the West Indies, and particularly in Trinidad. They do not suffer from it: their minds are amused, and they are prepared for repose. About the year 1800 the soldiers of the 68th regiment were suffering dreadfully from fever in their quarters at Dominica. Nothing was found to stop the mortality until they were distributed among the plantations in the country. They there made themselves useful and acceptable, by occasionally doing a little work, and the disease almost instantly disappeared. Our troops, while campaigning and exposed to the vicissitudes of climate by day and night, are always healthy.

It is particularly necessary to observe, that it would be impossible to receive at Trinidad, *in the first instance*, convicts of a desperate and hopeless description, as there is no place calculated to receive them, nor could any place sufficient for the purpose be, with the present means of obtaining labour, got ready without very considerable expense.

Under these circumstances, and with reference to the premises, I would respectfully recommend that the measure should be commenced with 300 or 400 convicts, who might be sentenced to transportation for a limited period of 7 or 14 years, and whose offences have not been of a nature precluding the hope of reclaiming them, so as ultimately to make them useful persons in the colony. The procedure which I should wish to adopt towards such persons would be, to open a ray of hope to them (dependant of course upon their own future good conduct) immediately on reaching their destination, and previously to their landing; and this I would do, not as if instructed by Government, but as an intention

tion originating with myself. I know not the nature or extent of authority which is given for the purpose of keeping good order among expatriated convicts; but I presume it is adequate to the purpose. With this authority, and a few discreet sub-officers taken from the half-pay, being such as might have an experience and knowledge that might make them useful in such an establishment, together with a few non-commissioned officers, which, at a small increase of pay, might be obtained from the regiment in garrison, I perceive no difficulty in carrying the plan into effect.

Having so far given a general outline of my notions on this subject, I have now to observe, that I deemed it but reasonable caution in a matter of such importance to discuss it on fixed data; that is to say, I stated the expense per annum of each convict, as if every article were to be purchased; and I spoke of labour from the Ordnance and Admiralty as affording a certain and constant supply, and consequently a very large remuneration of expense. However desirable it would be to commence with, and have at command, certainties of this kind to have to resort to, I do not think that a plan of so important a bearing should be given up entirely because we have not those certainties; for we have colonial works such as those enumerated in my despach, 25th January 1831, which would afford employment for from 200 to 300 for, say seven years. There is a very extensive recovery which could be made from the sea on the west side of the town, and which would be valuable, and by being sold would fully remunerate. Houses might be erected on the ground adjoining to the town, that would also fully remunerate, by being hired or sold, &c. &c. I do not speak positively that the planters or other inhabitants would be at first ready to employ individuals of these convicts, but I should think it probable. Ground might be given to any of them who might have a taste for agriculture, or a settlement of this kind might be made in a healthy quarter: but I must here specially and particularly give it as my opinion, that I should by no means have so sanguine an expectation of the success of an agricultural establishment as if the wives and families were present to reconcile the seclusion that would attach to it. If the wives and families could by any means be permitted to accompany the convicts, or any portion of them, so as to keep up the portion of moral feeling that might remain, and afford some prospect of hope to others, I should look for the most favourable result, both immediately and prospectively.

Before I conclude I shall revert to the last Query contained in your Lordship's despatch to me, and on which your Lordship desires particular information. I am willing to allow that there is more cause for apprehension of mortality in the West Indies than in the climate usually selected for convicts; but it appears to me that much of this cause would be removed the instant the persons concerned perceived that an interest was felt in their condition, and that they would be leniently and humanely treated. The idea of being less distant from their homes, or rather more in communication with their friends, would much tend to mitigate those painful feelings which a more distant exile naturally excites.

In my calculation of the expense of maintenance, I made no allowance for what could be obtained from the industry of the convict in the cultivation of vegetables, and raising of small stock, although I should look for a good deal being done in this way after the first year. Indeed, I do not perceive upon what principle it is to be doubted that the convict could amply maintain himself.

Having spun out this despatch to so great a length, I shall not intrude any more matter upon your Lordship's notice on the present occasion, but shall be prepared to afford any further explanation your Lordship may require of me, as far as my knowledge extends.

I have, &c.
(signed) *Lewis Grant.*

SHORT SUMMARY:

	£.
Say 400 convicts at 15 *l.* each per annum for maintenance, &c. -	6,000
Eight officers, at 120 *l.* each - - - - - - - -	960
One assistant military surgeon, from half-pay, or on the spot -	160
Eight non-commissioned officers, with additional 1 *s.* - - -	160
	7,280
Say for contingencies - - - - - - - - -	220
Total whole expenditure per annum - - - £.	7,500
Say the return for the labour of 300 convicts (out of the 400) at 2 *s.* each per day, and for 300 days out of 365 - - - -	9,000
Balance in favour of the establishment at this *low* estimate - -	1,500

Observe, that in this calculation the labour of 100 convicts is left out for casualties, which is an uncertain allowance, and only 300 days are charged for. The increased hire for mechanics is now not included; and the yearly maintenance for each is made 15 *l.* instead of estimate of 13 *l.* 6 *s.* 6 *d.* No allowance is made for the means of raising their own vegetables and stock, which I should consider would be considerable.

(signed) *Lewis Grant.*

No. 8.
On
Locating Convicts
in Trinidad.

COPY of a LETTER from Major-General *Lewis Grant* to the Right Hon. Lord Viscount *Howick*, &c. &c. &c.

My Lord, Downing Street, 3d July 1831.

I HAVE had the honour to receive your Lordship's letter of 28th June, marked "private," in reference to mine which contained replies to the official queries respecting the locating convicts in Trinidad. I shall at once proceed to notice in their order the several observations contained in your Lordship's last letter.

The subject of public works, and the employment of convicts to carry on fortifications and dock yards, I perceive your Lordship wishes to be left out of the present discussion.

Your Lordship next asks my views respecting an agricultural establishment.

In all directions in Trinidad, both on the coast and in the interior, there are to be found abundance of situations of that medium elevation which is found to be the most favourable to health, where there are no operating causes (such as adjacent swamps) to the contrary. No longer ago than within these few days, did Mr. Shand, one of the most extensive Jamaica planters, uphold, and almost satisfactorily demonstrate, that the labour of one man, judiciously applied in good soil in the West Indies, would be sufficient to cultivate as much ground, in one day, as would be required to raise him a sufficiency of provision to maintain him for the year, and that one acre of good ground would yield food to maintain 25 persons.

Making very great allowance of all descriptions for this position, there appears to me to be quite enough in it to warrant a liberal trial of so important a measure as the formation of an European agricultural establishment in the West Indies. But I must here take the liberty of bringing my oftentimes mentioned opinion into view, that no trial of the kind will be done fair justice to except by means of families, nor would it otherwise be of any permanent good. I perceive, my Lord, that my very great desire to attract your Lordship's attention to giving encouragement to the commencement of a settlement of emigrants in Trinidad has made me digress from the subject immediately under consideration; I shall therefore revert to the convict establishment. Whatever proportion of them might be permitted to be accompanied by their families I should be for treating as emigrants, so far as at once to place them in an agricultural establishment; and those with whom no families came I should be for placing on the small property of "*Mon-Repos*," in the close vicinity of Port d'Espagne, and which has within these few months been sanctioned to be purchased for Government, as recommended by Governor and Council. Here they would be in the way to be employed in some services wanted for the colony, and would thereby earn their maintenance. This being, as it were, the head quarters, any ulterior distribution, such as giving some among the inhabitants, and allowing others to work at their trades, or to form settlements in the vicinity for the reception of their families, might be there made and arranged according as circumstances might render advisable.

Among the other means of keeping the refractory in order, the working them in chains cannot be lost sight of; but I much question if the proprietors would consent to employ them (persons in chains) on their sugar plantations, and I confess I consider it would be better to find them occupation on public works. As to the expense, which is the part of the question your Lordship next arrives at, I do not apprehend that that which would attend the location of the first 300 or 400 would amount to the sum which would be required to conduct them to New South Wales; and afterwards, in cases of more arriving, I should think there would be that preparation to receive them, that the expenses to Government would terminate on their arrival.

I perceive the reasonable objections to convicts returning to the mother country after the period, and that your Lordship, to obviate this, proposes that a law should be made to provide that the period might be prolonged in proportion to the indulgencies granted. I may be mistaken, but my idea of this is, that the convict's mind would brood over this prolongation in a way that would keep alive a feeling to return, which perhaps his flourishing condition might otherwise prevent his thinking of. It might be well to provide that no convict should have a transferable right in any fixed property, but that it should revert to the Government in case of his returning to Europe after his period, but belong to his heirs in case of his dying in possession after the expiration of his period of banishment. It might also be provided that any convict who might be permitted to withdraw from compulsory labour on account of his ability to provide for himself, should become charged with all the expenses Government might have been put to on his arrival, including that of passage. This might be some impediment to returning, but at the same time it unfortunately would be visiting those with severity who are the most meritorious. I confess, however, that I have not turned this part of the subject much in my mind as yet, inasmuch as that I conceive the measure being once adopted, there will not be much difficulty in adjusting its details. I may briefly state that my opinion is, that if once a family of Europeans was compelled by the circumstances of situation to place its sole dependence on its agricultural labour in Trinidad, it would be found so profitable, where there was industry, that there would be no desire to remove from it.

I have, &c.

(signed) *Lewis Grant.*

Appendix, No. 9.

No. 9.
Value of Convicts' Labour at the Hulks

ESTIMATE of the VALUE of the LABOUR performed under the Directions of the BOARD OF ORDNANCE, by CONVICTS on board the HULKS, from 1st January to 31st December 1830.

STATION.		ACTUAL COST as paid by the STOREKEEPER.	ESTIMATED VALUE.
		£. s. d.	£. s. d.
WOOLWICH	Engineer Department	453 8 8	3,112 10 –
	Storekeeper's Department	193 18 3	1,120 7 8
	Inspector of Artillery's Department	29 10 5	235 17 1
	Carriage Department	6 10 –	28 3 4
PORTSMOUTH	Engineer Department	239 6 3	727 16 –
	Ditto Gosport	226 1 6	634 10 –
	Storekeeper's Department	163 1 2	415 1 4
SHEERNESS	Engineer Department	182 14 10	568 10 4
DEVONPORT		46 19 –	375 8 6
CHATHAM		309 15 –	550 14 8
	TOTAL £.	1,851 5 1	7,768 18 11

By Order of the Master General and Board of Ordnance,

Office of Ordnance, 26 August 1831.

R. Byham, Secretary.

Appendix, No. 10.

No. 10.
Letter from John Barrow, Esq. to S. M. Phillipps, Esq.

LETTER from *John Barrow*, Esq. to *S. M. Phillipps*, Esq.; enclosing Report of Commissioner *Boyle*, as to Convict Labour at Sheerness.

Sir, Admiralty Office, 14th January 1831.

I AM commanded by my Lords Commissioners of the Admiralty to send herewith, for the information of Viscount Melbourne, copies of a Report, and its enclosures, from Commissioner Boyle, whom their Lordships had directed to make some inquiries at Sheerness as to the propriety of continuing convict labour at that dock yard.

I am, Sir, your most obedient humble servant,

S. M. Phillipps, Esq. &c. &c. &c.

(signed) *John Barrow.*

No. 10.
Convict Labour at Sheerness.

Gentlemen, Navy Office, 10th January 1831.

With reference to my letter of the 7th instant, upon the subject of convict labour, I beg leave further to state, that I proceeded with my inquiries at Sheerness, and also availed myself, in returning through Chatham, to obtain any additional information at that place.

The conclusion I have drawn (as I found it necessary to receive the evidence with great caution) is, first, that as a measure of policy, I do not see that Government could relinquish convict labour, and instead thereof employ free men upon the public works, without many strong objections, besides that of adding so considerably to the naval expense. One of the great arguments used by the advocates for sending all the convicts out of England is, that a reduction of poor rates in the neighbourhood of the hulks would follow, and cause the employment of the able-bodied pauper out of work from the parish of which the dock-yard forms a part. My opinion is, the result would be decidedly the contrary; for I cannot help thinking that the numbers I stated in my former Report as being able-bodied men out of employ and receiving parish relief was very much exaggerated, and that were they examined by the surgeon for entry in the dock-yard, not more than one in four would be found of bodily health and strength sufficient to make a useful labourer; the persons then applying for entry would not be parishioners, but would come from other parishes, two-thirds of them probably be married men, and the larger proportion with families: these men then, receiving only the wages of a dock-yard labourer (at the most 10 *s.* per week), could not, with the strictest care and management, do more than maintain themselves in health; but if sickness occurred in their families, they must of necessity apply to the parish to contribute towards the relief of their further wants, and the consequence would be a considerable increased, instead of diminished expense to the parish, particularly when it is considered that the number of labourers required for the Ordnance and Dock-yard works at Sheerness is estimated from 300 to 400. It must here be observed that the highest rated house at Sheerness are those which belong to Government, and that a very large parish rate falls entirely upon the Crown. In a moral point of view, I am decidedly of opinion, that from the length of time the convict establishment has existed, and from the mode in which it is conducted, little, if any, improvement in this respect can be effected.

With respect to the policy of sending all the convicts out of England, on the principle of economy, I would further report, that I consider the convict's labour well worth, to Government, one shilling per diem, independent of the three-pence and two-pence per diem which the two classes of men are paid.

I would now beg leave to remark, that I differ decidedly from the opinion of the advantage likely to result from the orders given, that convicts should not be employed in their respective trades; it having always appeared to me, that, the larger the portion of their earnings to the Crown, which they could be made to repay for their expenses, the more advantagous it would be; and if they were allowed to work as artificers, *entirely* by themselves, (without being mixed in any manner with the free men) it would not only be desirable for the public, but the convict, when discharged, could return to his accustomed business, and be better enabled to maintain himself and family, than if he had been merely employed as a common labourer.

Upon the subject of the expense of the convict establishment at Sheerness, and the lodging and maintenance of the prisoners, I herewith enclose an Account, as accurately made up as it was in my power to calculate, which (in connexion with the House of Common's Papers of last Sessions, relative to the Hulks) will afford an accurate estimate of the subject in a financial point of view.

In conclusion, I beg to state, that I have with me all the papers composing the data upon which I have drawn the Report; and I shall be happy, if called upon by the Board, to give such further information as they may require of me.

I am, &c.

(signed) *C. Boyle.*

Commissioners of the Navy.

No. 10.
Convict Labour at Sheerness.

AN ESTIMATE of the Net Cost per Annum of One Convict, at the Establishment at Sheerness.

	£.	s.	d.
Average expense, per "Retribution"	6	2	5
Ditto "Wye"	1	3	9
	7	6	2
Food and clothing	10	–	–
	17	6	2
Deduct value of the Convict's labour at the low estimate of 1 *s.* per diem, exclusive of the pay allowed to him	15	12	–
£.	1	14	2

N. B.—I am not aware of any charge that I have not made against the Convict Establishment, with the exception of the carts, harrows and tools, used by the Prisoners. The wear and tear of bedsteads and bedding I have calculated in the expenses of the Hospital Ship.

(signed) *C. Boyle.*

AN ESTIMATE of the Annual Expense of the Convict Establishment at Sheerness.

		£.	s.	d.
Value of the "Wye" hospital ship, 447 tons, at 2*l.* 5 *s.* per ton (present time)		1,005	–	–
Cost of materials and fittings		1,861	–	–
Ditto moorings		490	–	–
		3,356	–	–
Deduct:				
Value of the hull, if sold, after 20 years' service	£. 327 – –			
Ditto - copper, and copper fastenings	760 – –			
Ditto - moorings	163 – –			
		1,250	–	–
Suppose ship to last 20 years	20)	2,106	–	–
Annual cost of the ship		105	–	–
— Establishment		410	–	–
— Medicines and medical comforts		80	–	–
Divide by Convicts	500)	595	–	–
£.		1	3	9

(signed) *C. Boyle.*

No. 10.
Convict Labour at Sheerness.

AN ESTIMATE of the Annual Expense of the Convict Establishment at Sheerness.

	£.	s.	d.
Value of the "Retribution," if sold at, 2 *l.* 15 *s.* per ton (at the present time	4,427	–	–
Cost of materials and fitting	9,105	–	–
Ditto of workmanship	2,338	–	–
Ditto of moorings	1,012	–	–
	16,882	–	–
Deduct:			
Value of the hull, if sold, after 20 years' service £. 1,000 – –			
Ditto - copper, and copper fastenings 2,000 – –			
Ditto - fittings 6,070 – –			
Ditto - moorings 615 – –			
	9,685	–	–
Suppose ship to last 20 years - - - - 20)	7,197	–	–
Annual cost of the ship	359	–	–
— Establishment of officers and guards	2,514	–	–
— Coals, candles, soap, &c.	189	–	–
Divide by number of Convicts - - - - 500)	3,062	–	–
£.	6	2	5

(signed) *C. Boyle.*

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2. *Newgate*.
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There is no classification except according to crime, *Wontner* 337——There is no means of remedying the defect in the present state of the building, *Wontner* 345, 347, 349——There are four classes for untried prisoners and persons transported and sentenced to death besides, *Wontner* 344, 351——Under the present arrangement it is impossible for an innocent man to escape contamination, *Wontner* 363——And if not bad when he comes, he is sure to be made so, *Wontner* 364.

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3. *Penitentiary:*

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Convictions. Number in the Courts of Quarter Session at New South Wales in the year 1827, and in the Criminal Court of Judicature in 1828—1830; distinguishing the offence of which convicted, and the number of capital convictions and executions, *App.* p. 140.

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2. *Allotment of.*
3. *Escape of.*
4. *Gentlemen.*
5. *Government.*
6. *Hulks.*
7. *Labour at Sheerness.*
8. *Under Sentence in Newgate.*
9. *Settlers, as to paying for Labour of.*
10. *Sydney.*
11. *West Indies.*
12. *Accounts relating to.*

1. *Generally:*

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from the hulks is incalculable, *Estcourt* 570——Restrictions under which convict families are forwarded to them, *Capper* 758——The Irish women are always more ready to follow their husbands to transportation than English wives, *Capper* 764——The lower order of convicts would rather remain prisoners here than be transported, *Wakefield* 1461——Service done by convicts on estates, *Walker* 795——Discipline to which convicts are subject, *Walker* 802, *Busby* 1220, 1221——Summary mode of punishment, *Walker* 803——Delinquencies of servants, *Walker* 806——No apprehension felt from the number of convicts, *Walker* 817——Course pursued with convicts on landing and when in the service of settlers: Clothing and food, *Walker* 827.

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2. *Allotment of, to Settlers:*
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3. *Escape of, from the Colonies:*
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5. *Government:*

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Letter from John Barrow to S. M. Phillipps, Esq., enclosing report of Commissioner Boyle, as to convict labour at Sheerness, *App.* p. 153——Estimate of the net cost per annum of one convict at the establishment at Sheerness, *App.* p. 155——Estimate of the annual expense of the convict establishment at Sheerness, *App.* p. 155.

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9. *Settlers, as to paying for Labour of :*

Willingness of settlers generally rather to pay for the expenses of convicts being sent out, than losing their labour, *Walker* 924, 1384, 1388——As a possessor of property witness would be glad to pay the expense of the passage of useful convicts on their being assigned for a term of years, *Macqueen* 1378, 1380——Difficulty of inducing settlers to contribute to the expenses of conveying convicts to the Colonies, *M'Arthur* 1615——Few settlers who could afford to pay for convict labour, *M'Arthur* 1617——Even opulent proprietors could not afford to pay Government, *M'Arthur* 1618——Should no convicts be sent, the Colony of New South Wales would be ruined, *M'Arthur* 1620——Plan proposed by witness would give the monopoly of convicts to proprietors of large estates, *M'Arthur* 1622——Frequent system of favouritism shown in the distribution of convicts, *M'Arthur* 1624.

10. *Sydney:*

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London thieves feel work more irksome than agricultural labourers, *Walker* 1019——Management of convicts at, *Condamine* 1006——Difference between those convicts allowed to lodge in town as an indulgence, and those possessing tickets of leave, *Condamine* 1112——Convicts who come from towns feel being employed by free-settlers very irksome, *Condamine* 1135——Number of convicts escaping is very small, *Condamine* 1141——Some report should be made of the deaths of convicts: difficulty of managing machinery for that purpose, *Condamine* 1142, 1143——Best method of arranging checks for the purpose of ascertaining the periodical state of convict population, *Condamine* 1145, 1152.

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11. *West Indies:*

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11. *West Indies:*

1. *Generally.*

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12. *Accounts relating to:*

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Observations and suggestions relative to the present and future treatment of convicts in New South Wales, by J. Busby, *App.* p. 125.

Regulations observed in New South Wales with respect to the treatment of convicts generally; their assignment to settlers; the granting of tickets of leave; their employment in Government service, and the discipline resorted to in the case of prisoners sent to the Penal Settlements; *App.* p. 134.

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Corporeal Punishment; Has never been inflicted but once in the Penitentiary, *Russell* 324——Whipping necessary for boys, or men when dead to moral feeling, *Chesterton* 479, 481, 485——Corporeal punishment is the most wholesome that can be applied to juvenile offenders, *Estcourt* 555——More feared by boys than transportation, *Wakefield* 1465.

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2. *Newgate.*
3. *New South Wales.*
4. *Penitentiary.*
5. *Transports.*

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3. *New South Wales:*
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2. *New South Wales.*
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emancipatists are generally attached to the government, *Condamine* 1156——State of society in Sydney as regards emancipatists, *Condamine* 1158——Emancipatists of wealth are declining in the colony, *Condamine* 1163——Are disaffected persons, constantly at variance with the government, and have caused considerable impediments to its general operations, *Macqueen* 1360——Effect on the minds of prisoners of the reports of returned convicts as to the state of this class in New South Wales, *Wakefield* 1395.
See also *Convicts*.

Emigration. Severe laws necessary for a society of convicts deter mechanics and persons with capital from emigrating, *Macqueen* 1358——Under different government regulations in the colony the difficulty would be, not to find emigrants, but to select from those who offered themselves, *Macqueen* 1364——Should supply of convicts diminish, settlers in New South Wales would be disposed to engage free labourers to emigrate, *Walker* 1384.

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Firewood; Tenders accepted by the Government for, for the service of the year commencing on 25th December 1830, and terminating 25th December 1831, *Busby* 1343.

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Free Labourers. Are not so easy to manage as convicts, *Walker* 814——Almost all free labourers are persons originally convicts, *Walker* 850——High wages received by free labourers compared with wages here, *Walker* 860, 861, 862——Great want of labourers; colonists would probably pay half, if parishes would advance the rest, for the passing labourers to the colonies, *Walker* 916——Comparison between convicts and free labourers, *Busby* 1331——Price of a free labourer is 20 *l.* per annum, *M'Arthur* 1626 ——Great evil at present in New South Wales is the want of labourers, *M'Arthur* 1627 ——Good policy of gradually introducing free labour into New South Wales, *M'Arthur* 1646——Carpenters, bricklayers, stonemasons, blacksmiths, are labourers most wanted in New South Wales, *M'Arthur* 1648.
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Grant, Major-General *Lewis.* (Analysis of his Evidence.)—Advantageous manner in which convicts might be employed in the West Indies, 1490——Mode of labour, and class of convicts to be sent out, 1493-1497——Any severity of punishment could be introduced at Trinidad which could be used in any other colony, except exposure to the sun, 1497 ——Convicts could be conveyed to Trinidad at an expense of six guineas, and a shilling a day

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Gratuities. The Penitentiary Committee have the power of granting gratuities not exceeding 3*l.*; the ordinary sums vary from 2*l.* to 3*l.*, *Chapman* 165——In eight years there are not more than four cases of persons who had received gratuities for 12 months' good conduct, *Chapman* 162.

Grinding and Dressing, Tender that has been accepted by the Government for, for the service of the year commencing on the 25th December 1830, and terminating on the 24th December 1831, *Busby* 1343.

H.

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2. *Management of:*

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Hunter's River, Establishment there belonging to Mr. Macqueen, *Macqueen* 1345.

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J.

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L.

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Legal Proceedings. See *Executions. Mesne Process. Summonses.*

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M'Arthur, Major. (Analysis of his Evidence.)—Dangerous consequences which arise to the Colonies by the transportation of men of education, termed Gentlemen convicts, 1606——Who should always be imprisoned in the Penitentiary, and punished in this country, 1607——It would not answer to send all convicts to the road-gangs on arrival, 1608——Expense of machinery for that purpose, 1608——Bad effect on the character of convicts, 1608——Inequality of the punishment of convicts, 1610——Relative situation of masters and convict servants, 1613——Difficulty of inducing settlers to contribute to the expenses of conveying convicts to the colonies, 1615——Few settlers who could afford to pay for convict labour, 1617——Even opulent proprietors could not afford to pay Government, 1618——Should there be no convicts sent, the Colony would be ruined, 1620.

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Macqueen, Thomas Potter. (Analysis of his Evidence.)—Has an establishment on Hunter's River, 1345——The condition of convicts in New South Wales is far superior to that of the agricultural labourer of this country, 1353——Case of Northwood, a wheelright, 1354——Agricultural labourers look on transportation as a benefit, 1354, 1355—— The severe laws necessary for a society of convicts deter mechanics and persons with capital from emigrating, 1358——Expenses of convicts in New South Wales, 1358–1360 ——Method of treating gentlemen convicts——Disaffection of this class, 1360—— They ought no longer to be sent to the colony, 1361.

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Marryatt, Joseph. (Analysis of his Evidence.)—The project of sending out convicts to work in the West Indian Islands is impracticable on account of climate, 1668, 1671—— Peons are the only persons fit to clear the woods, no convicts could, nor slaves, 1672 ——The only cultivation the convicts could be employed in would be cocoa, which would not pay the expenses of cultivation, 1679——Difficulty of keeping them from the slave population, 1685——There are no practicable means of employing convicts at Trinidad; the thing is impossible, 1686.

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1. *Generally.*
2. *Convicts.*
3. *Disturbances.*
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1. *Generally:*

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1. *Boston:*

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1. *Cold Bath Fields.*
2. *Penitentiary.*
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1. *Cold Bath Fields:*
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3. *Reclaimed:*
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Any severity of punishment could be introduced in the West Indies, *Grant* 1490——The punishments could be made very severe, as working in irons, *Grant* 1564——Inequality of the punishment of convicts, *M'Arthur* 1610.
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R.

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Cold Bath-Fields Prison. — Recommittals are very frequent in Cold Bath-Fields Prison, *Chesterton* 426, 446——Prisoners are now sometimes returned a dozen times; at present there is one boy, ten years old, who has been in Cold Bath-Fields Prison eight times, *Chesterton* 492——Remedy for the cases of frequent recommittals by transportation, *Chesterton* 497, 498.

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Road-Gangs. Beneficial regulation of making a convict work on a road gang on first coming, *Walker* 894-897 —— The only objection being the expense, *Walker* 899 ——In cases of aggravated offence, great benefit would result from placing convicts on their arrival on the road-gang, *Walker* 901–903——Treatment of convicts on road-gangs, *Walker* 905-909——Benefit of road-gangs, *Busby* 1262-1265, 1274——Work on, not severer than agricultural labour, *Busby* 1266——In the road gangs, as a general rule, convicts should work in irons, *Busby* 1269——A road-gang system would add considerably to the expense of the colony, *Busby* 1273——System of road-gangs might be applied to England, *Wakefield* 1436——It would not answer to send convicts to the road-gangs on arrival, *M'Arthur* 1608——Expense of machinery for this purpose, *M'Arthur* 1608——Bad effect on the character of convicts, *M'Arthur* 1608.
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Salt Mines, East Indies, recommended as a means of punishment for convicts, *Macqueen* 1365.

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REPORT

FROM

SELECT COMMITTEE

ON

Secondary Punishments;

TOGETHER WITH

THE MINUTES OF EVIDENCE,

AN APPENDIX,

AND

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Ordered, by The House of Commons, *to be Printed,*
22 *June* 1832.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the best Mode of giving Efficiency to SECONDARY PUNISHMENTS, and to report their Observations thereupon to THE HOUSE:—HAVE examined the matters to them referred, and agreed to the following REPORT:

YOUR Committee, in offering to The House their opinions, formed after a long and anxious investigation of the subject submitted to their consideration, are fully aware of the difficulty of the task imposed on them. They are sensible that few questions more deeply affect the interests of society, and that the management of Prisons, and the treatment of Criminals sentenced to punishments short of death, may perhaps be considered as exercising over the morals of the great mass of the people an influence inferior only to that arising from careful and religious instruction.

The rapid and constantly progressive increase of crime in this country, has for many years excited the alarm and baffled the efforts of the Philanthropist and the Statesman; and hitherto every effort at prevention, whether by the extension and amendment of the Criminal Code, or the establishment of a more efficient Police, has failed to arrest its progress, or to diminish the frightful catalogue which our criminal records annually present. Without referring to more remote periods, it will be seen by the official Documents laid before Your Committee, that the number of persons charged with criminal offences, and committed to the different Gaols of England and Wales, for trial at the Assizes and Quarter Sessions, was in seven years, ending

31 December 1817	56,308
Ditto - - 1824	92,848
Ditto - - 1831	121,518

of whom were convicted in the

1st Period	35,259
2d ditto	62,412
3d ditto	85,257

showing an increase of convictions in the second period, as compared with the first, of 78 per cent. and in the third, as compared with the first, of above 140 per cent. The great increase in the period ending 31st December 1831, as compared with that ending 31st December 1824, may in some degree be attributed to the Act of 7 Geo. 4, c. 64, which provides for the payment of expenses to prosecutors in cases of felony; but no such cause can be assigned for the increase in the seven years ending in 1824, as compared with the seven years ending in 1817. The transition from war to peace, and the consequent partial cessation of employment, together with the great increase of population which took place during the second period, might be deemed sufficient to account for a large portion

of that increase, did not a reference to the Returns of the Commitments and Convictions, from 1810 to 1815 inclusive, show an equally unsatisfactory result. In the former of those years the number of commitments was 5,146, and of convictions 3,158, and they continued progressively to increase, until, in 1815, the commitments amounted to 7,818, and the convictions to 4,883, being an increase of the commitments and convictions of above 50 per cent. in the short space of seven years, and this at a period when the vigorous prosecution of hostilities against France may be supposed to have caused an active demand for all the industrious portion of the population, when the events of the war had thrown the whole commerce of the world into the hands of Great Britain, and when agriculture and manufactures were spreading with a rapidity and to an extent hitherto unknown.

Although great improvements have of late years been made in the management of our Prisons, Your Committee are of opinion, that in the state in which they still remain, in the absence of an uniformity of discipline, either before or after trial, and in the inadequacy of Secondary Punishments either to reform criminals or to deter from crime, ample cause may be found, exclusive of all other considerations, for much of the continually alarming increase in the criminal calendar.

Such being the opinion of Your Committee, it becomes necessary to show on what that opinion is founded, and to suggest such changes of system as appear most likely to remedy the existing evil; and they consider that they can best execute the task committed to them, by classing this Report under the following heads:—

1. Prison Discipline.
2. The Penitentiary.
3. The Hulks.
4. The Penal Colonies.

1. Prison Discipline.—Under this head Your Committee propose to consider the treatment of prisoners before as well as after trial; for although an inquiry into the mode of treating untried prisoners is not strictly within the letter of their Instructions, it is so essential towards enabling them properly to fulfil the spirit of those Instructions, and so intimately connected with the subject generally, that they feel justified in giving it a place in their Report.

They cannot too strongly express their opinion of the vast importance of this the first branch of inquiry; and when they observe, by the Returns laid before them, that in the last two years no less than 172,159 persons, including those committed on summary conviction, but exclusive of debtors, have passed through the different Gaols in England and Wales; and that the moral condition of this vast multitude must in all cases, to a certain, and in many to a great degree, have been affected by the state of those Gaols: they consider that no arguments can be necessary to convince the House of the propriety of this investigation.

A House of Correction, consistently with its name, should offer the prospect of diminishing the amount of crime, either by the severity of its discipline, or by reforming the morals of those committed to it. In both these essential particulars, many of the Prisons are lamentably deficient; they hold out scarcely any terrors to the criminal; while, from the inefficiency of the control exercised over him, and the impossibility of separating

the

the most hardened malefactor from those who for the first time find themselves the inmates of a gaol, they tend to demoralize, rather than to correct, all who are admitted within their walls.

That imprisonment in a gaol is not considered by hardened offenders a severe punishment, is abundantly proved by the Evidence taken before this Committee, and that recorded in former Reports. Objectionable, however, as this may appear to be, the Committee consider it the least of the two great evils attendant on the management of our Prisons, and that the effect produced on the morals of the prisoners is far more prejudicial to society than any laxity of discipline, tending merely to their comfort. Your Committee have no hesitation in declaring it to be their opinion, confirmed by the testimony of all the Witnesses examined by them, that it is almost impossible for any but the most degraded criminal to be confined even for a short period within the walls of any prison, as at present regulated, without injury to his morals; that the most virtuously constituted mind would find it difficult to escape contamination; but that where moral and religious principles are but feebly implanted, their total overthrow may be expected. When they find, for instance, from the evidence of the Keeper of Newgate and the Governor of the House of Correction in Cold Bath Fields, that the persons confined in those prisons sleep in rooms containing from 15 to 20, that during the day they are associated together in the yards, in numbers from 60 to 130; when it is stated by the Chaplain of the Penitentiary, as the result of information collected from prisoners coming from almost all the gaols in the different parts of the kingdom, that in many prisons "prisoners before and after trial are under no efficient superintendence; that there is no restraint, nor any restraint attempted; that they are mixed together, the old and the young, the most hardened and most inexperienced, the prostitute, the modest woman, and the young girl;" when out of 6,730 prisoners confined in the prison at Clerkenwell in the year 1830, 910 were discharged for want of prosecutors, (the greater part of that number, it is presumed, from there being no sufficient evidence to convict them, but who, with all the contamination of a gaol, have been cast loose on society); and when they observe that gaols under corporate jurisdictions, and in which several thousand persons are constantly confined, are, if possible, in a state still more deplorable;—they can come but to one conclusion, as to the necessity of an immediate alteration in the mode of managing prisoners, both before and after trial.

Wontner, 363-4. Sess. 1831. Hoare, 1591. 1st Report Boston Prison Discipline Society, pp. 28, 29, 30.

Wontner, 332-335. Chesterton, 423. Sess. 1831.

Russell, 263. Sess. 1831.

Efforts have of late years been made to remedy these evils, by the classification of prisoners; but the result has been far from satisfactory. By the Gaol Act, 4 Geo. 4, c. 64, no provision is made for dividing prisoners before or after trial into more than two classes. The larger prisons, especially those in and near the metropolis, usually contain several hundred prisoners, whose periods of confinement before trial, vary from a few days to several months. It is hardly necessary to remark, that any classification, with the inadequate means provided by the Gaol Act, must be inefficacious; that in the case of untried, it must associate the most hardened offenders with those who may be guiltless of crime; and that even an innocent man sent for trial can hardly escape contamination. Your Committee are of opinion, that none but a moral classification can be effectual; but they fear that the difficulties which stand in the way of such a classification, whether as regarding prisoners before or after trial, are nearly insurmountable.

Wontner, 344. Sess. 1831.

If such be the difficulty of establishing an effective system of Classification, Your Committee see no alternative but that of the separation of

Russell, 263-283. 288-289. Sess. 1831.

Hoare, 1595. Mrs. Fry, 1877-8. 1882-1884.

prisoners both before and after trial. They, therefore, recommend, that prisoners, when committed for trial, should be placed in light, solitary sleeping cells, provided with employment where practicable, and furnished with moral and religious books; that although they should be strictly confined to their cells at night, and while at their meals, they should be allowed to receive visits from their friends, under proper superintendence, and also to walk in the airing yards of the prison, in company with the other untried prisoners, under the constant and vigilant superintendence of a turnkey; and although Your Committee consider the classification of prisoners insufficient of itself to prevent contamination, they think that, used as an auxiliary to the precautions here recommended, it may be found of advantage. They are aware, that a proposal to inflict on prisoners before trial any restraint beyond what may be necessary for their safe custody, is likely to shock the opinions of many who may be disposed to consider it in the light of punishment inflicted without proof of delinquency; but Your Committee are of opinion, that such a separation of prisoners should be regarded rather as a boon than a punishment. Not only will the evils already detailed be avoided, but even with reference to the comfort of the prisoners it may in most cases be considered an improvement; since to those not hardened in crime, the association with the reckless malefactor, and the horrors of such companionship, must prove an infliction tenfold more severe than the partial seclusion to which it is proposed to subject them. All the witnesses examined on the subject, agree in this opinion; and the Governor of the Penitentiary states, that many prisoners confined there, after removal from the First Class, a state of seclusion, to the Second Class, in which they are associated with other convicts during the day, have, at their own request, been replaced in the First Class, finding it impossible to resist the influence of the bad example of their fellow prisoners, although those prisoners, having gone through the ordeal of the First Class, might be considered as partially reformed.

{Russell, 291. Chapman, 141. Sess. 1831.

If Your Committee felt any difficulty in recommending a treatment approaching to solitary confinement in the case of untried prisoners, they have none whatever in urging its adoption with reference to those hitherto sentenced to imprisonment with or without hard labour. With respect to what is usually termed hard labour on the tread-wheel, so different is the extent to which it is inflicted in different prisons, that, unless in some it is carried to an excessive and cruel degree of severity, it is in others a punishment only in name. By a reference to the Appendix, it will be seen, that there is so little uniformity of system as regards the number of hours devoted to labour, the height of the steps of the wheel, and the rapidity of its rotation, that in some prisons the punishment is nearly three times as severe as in others. For instance, in Bedford Gaol, the labour performed is equal to an ascent of 5,000 feet in summer, and 3,600 in winter, while in Knutsford House of Correction it is 14,000 feet in summer, and 9,800 in winter; so that a prisoner, sentenced to three months' imprisonment and hard labour in Knutsford Gaol, would perform as much work as one sentenced to eight months' labour in Bedford Gaol. In the one case Your Committee do not find fault with the discipline as too severe, but they cannot help suspecting that in the other it is infinitely too lax. The same inequality exists in the diet of the prisoners; the weekly cost of feeding a prisoner in the Gaol at Hereford being 3*s.* 7¾*d.* and in the House of Correction at Preston 1*s.* 11½*d.*

Appendix, No. 1.

Your Committee, therefore, taking into consideration all the objections to which the present mode of punishment is liable, its inefficiency, its inequality, and its tendency to demoralize, instead of to improve, are of opinion, that hard labour alone is not sufficient for the correction of crime; and

and that hard labour, with the addition of solitary confinement, should be substituted. They are fully aware of the caution necessary to be observed in adopting this new mode of punishment. Experience in the Gaols of the United States proves, that solitary confinement, strictly enforced, and amounting to a total seclusion from all society, if continued for any length of time, is attended with the worst consequences; that it destroys the physical, and frequently the mental, powers of its victims, and that instances have occurred of their resorting to suicide to escape its horrors. The system of confinement which Your Committee would recommend, is of a very mitigated description, and formed in imitation of that which has been practised in the prisons at Auburn and Sing Sing in the United States of America.

2d Report Boston Prison Discipline Society, p. 86–7.

Capt. Hall.

The principle on which the American prison discipline is founded, is that of complete prohibition of intercourse between the prisoners. They sleep and take their meals in solitary cells, but work in company; but while together not a word is allowed to be exchanged, and any transgression of this rule is punished with blows. As your Committee are unwilling to intrust to those who have the management of prisoners in this country, a discretionary power of inflicting corporal punishment, a modification of the American system is necessary.

1st & 2d Report Boston Prison Discipline Society. Captain Hall, 321–372.

Hoare, 1737.

They therefore recommend that, in all cases which have hitherto been punished with imprisonment, with or without hard labour, the prisoners be in future confined in light solitary cells, except while at hard labour: that, in proceeding to and returning from exercise, they be marched in single files, and strict care taken to prevent even a whisper passing from one prisoner to another: that, to prevent conversation while at exercise, the wheel be divided into compartments, with partitions to contain one person in each; and that no more prisoners be taken out for exercise at a time than may be sufficient to fill the wheel: that no prisoner be allowed to receive visits from his friends, or to hold any communication with them even by letter, except in special cases, and with the permission of the Visiting Magistrates: that, when shut up in their cells, the strictest silence be enforced, and for that purpose a turnkey be constantly perambulating the galleries of the prison: further, that every cell be furnished with books of a moral and religious character, and such employment provided for the prisoners, when not at hard labour, as may tend to encourage habits of industry, and repay a portion of the expense incurred in their maintenance.

The Committee have the gratification of stating, that in these views they are supported by the opinions of all the Witnesses whom they have examined on the subject; and they cannot help indulging in sanguine expectations, that the amendment produced on the criminal population of this country will not be less satisfactory than that said to have been effected in the United States; that solitude will subdue the spirit of the hardened offender; that separation from his old companions in crime will induce him to reflect on the sinfulness of his career; and that, even in cases where better feelings are not excited, the severity of the punishment will be found sufficient to operate as a check to future misconduct.

Chapman, 171, 220, 228. Russell, 254, 258, 259, 304, 309, 311. Wontner, 372. Chesterton, 451–472. Sess. 1831. Hoare, 1605–6. 1803. Mrs. Fry.

To insure a due observance of the Regulations for the government of gaols, and a general uniformity of discipline, Your Committee recommend that, in addition to the Visiting Magistrates, Inspectors of Prisons be appointed: that these officers be required to visit all the Prisons in the kingdom, including those under corporate jurisdictions, at least once a year,

a year, and report to the Secretary of State for the Home Department, who shall annually lay such Reports before Parliament. As the accommodation in many prisons is at present inadequate to the separation recommended in this Report, the Committee are of opinion that measures should be taken, by the conversion of the large sleeping and day-rooms into separate cells, and the addition of a sufficient number of new solitary cells, to insure the separation of prisoners before and after trial; and that such amendments should be made in the Gaol Act as may bring the prisons belonging to corporate jurisdictions (to the state of which the Committee have already alluded) within the scope of the general regulations for the better government of gaols.

As the expense of carrying into effect the extensive alterations here suggested would be very considerable, and as the advantages to be derived from them would be extended to the community at large, Your Committee are of opinion, that if The House are disposed to sanction their recommendation, the necessary funds should be provided at the public cost; and they trust that any charge which may be incurred will eventually be repaid to the State by the reduction of the county and parochial rates. The nature of the discipline now recommended will probably diminish the number of commitments, and the consequent expense to counties; and as by increasing the severity of the punishment, its duration may be shortened, the charge on the parochial rates for the maintenance of the families of men sentenced to imprisonment will be materially reduced.

The same considerations which have suggested the foregoing remarks, induce the Committee further to recommend, that a summary power be granted to Magistrates in Petty Sessions, not less than Two assenting, to sentence persons guilty of minor felonies to solitary confinement, with a bread-and-water diet, in a light cell, for a period not exceeding 21 days; allowing, however, to such parties the option of being committed for trial. Your Committee think that the proposed increased jurisdiction, which at first sight may appear to bear hard on the petty criminal, will prove an indulgence to him. The law, as at present administered, gives a dangerous power to the prosecutor, who, urged by feelings of hatred or revenge, wishes to inflict a punishment disproportionate to the offence. In the case, for instance, of the most trifling, as in that of the most aggravated theft, the accusation, if supported by plausible evidence, is followed by a commitment to gaol for trial at the next Quarter Sessions or Assizes. It is unnecessary here to urge again the objections to gaol associations already stated; but even if those objections be removed by the proposed separation of prisoners, still the mere confinement preparatory to trial, must, under any circumstances, prove a severe punishment. The cheapness of this mode of summary proceeding is not unworthy of consideration. The costs incurred in prosecutions by allowances to witnesses brought from all parts of the country to the county town, the fees to attornies, counsel, &c. will be saved, and in many cases the expense will not exceed a fractional part of that which is now incurred.

The more frequent delivery of Gaols is an object of great importance, as the speedy infliction of punishment, combined with its certainty, is the best preventive of crime. But in England a prisoner is frequently confined before trial for a longer period than that to which he is sentenced after conviction, while, should he be acquitted, no reparation can be made to him for the restraint and degradation to which he has been subjected. Nor does the system work alike or equally; in London, the period of confinement before trial cannot exceed six weeks, while in some counties it may extend to

several

several months; an evil aggravated by the custom which prevails in some parts of the country, of committing for trial at the Assizes for offences within the jurisdiction of the intervening Court of Quarter Sessions. A third Assize has been instituted in the Home Circuit; the benefits which have resulted from this arrangement afford a strong argument in favour of extending it to the other Circuits. Taking, therefore, into consideration the inequality of imprisonment before trial in cases of capital felonies, in London not exceeding five or six weeks, in the Home Circuit four or five months, and in other parts of the country extending to seven or eight months; Your Committee recommend to the serious consideration of The House, the expediency of affording, by a more frequent gaol delivery, some remedy to the evil they have pointed out.

Although the treatment of Criminal Lunatics may be considered somewhat foreign to the professed object for which Your Committee was appointed, yet as the management of persons in their unfortunate situation must materially affect the arrangements of a gaol, they are induced to direct the attention of The House to that subject. By the 9 Geo. IV., c. 40, ample provision is made for the proper treatment of Insane Persons, by causing them to be removed to Lunatic Asylums; but in practice the wholesome provisions of the law are neglected, and in frequent instances Lunatics have remained many years in the common gaols. In the County Prison at Exeter there were, by the last Gaol Returns, four insane persons; in the Exeter House of Correction there were four, of whom one had been confined twenty-three years; in Pembroke Gaol, one, confined twenty-two years; and one at Anglesey, thirteen years. The Committee trust, that their thus directing the attention of the House to this neglect of the law, will insure its proper observance in future; and that the numerous cases of Lunatics at this time in the common gaols, will command the immediate attention of the Secretary of State for the Home Department.

Before quitting this portion of the subject, Your Committee think it right to state why they have not extended their inquiries into the condition of the Prisons in Ireland and Scotland. They have abstained from doing so, being anxious to take the earliest opportunity of offering this Report to the House, and because those prisons being governed by regulations similar to those which are established in the prisons of England and Wales, they do not consider that any information respecting them could affect the general principles laid down in this Report. The difficulty of arriving at any just conclusions from the numbers committed to prison in Scotland and Ireland, has also withheld them from embarking in that inquiry. With respect to Scotland, there exist no Parliamentary Returns prior to that of 1830, made pursuant to the provisions of the 1 Will. IV., c. 37; and they lament to state, that if called on to form an opinion from those Returns, they must pronounce the progress of crime in Scotland to be as rapid as that in any other part of Great Britain.

	Committed.	Convicted or Outlawed.
In 1830, - - - -	1,832	1,282
In 1831, - - - -	2,181	1,580.

A difficulty of a different nature encounters them in the case of Ireland. Here there are Returns from the year 1816; but as the situation of Ireland is unfortunately of that anomalous nature which prevents the formation of opinions deduced from principles applicable to other countries, and as the increase or diminution of crime at any particular period is

frequently attributable to causes of a political or temporary nature, they are of opinion, that any information to be derived from the examination of Returns of Criminal Commitments or Convictions, would be but little calculated to enable them to form any opinion of the effect produced on the morals of the people of Ireland by the operation of their Prison System.

2. The Penitentiary.—The Committee do not deem it necessary to enter into any details of the origin or history of this establishment, as they are already before The House in previous Reports; but as in the course of their inquiry they visited it, they consider it but justice to the Governor, Captain Chapman, to state, that nothing can exceed the order and cleanliness which characterize every department.

Wontner, 409. 415. Wakefield, 1319–1407.

As a place of punishment, it possesses one great advantage over any other in this country, in being generally dreaded for the strictness of the discipline, and irksomeness of the confinement. There was, however, till very lately, much to be desired in the way of improvement. It was the rule of the establishment to divide the prisoners into two Classes; on their entrance into the prison, they were confined in the First Class; after remaining in which from eighteen months to two years, they were removed to the Second. During the first period, separation was always strictly enforced (except when the prisoners were at work in the crank mills and water machine for a short time each day); and it appears that, generally speaking, a decided improvement in their deportment and conduct took place. But, on being removed to the Second Class, and being allowed to associate with their fellow prisoners during the day, the consequences, as described by the Governor and Chaplain, were such as might have been expected; any progress towards reformation effected by the discipline of the First Class being frequently followed by a relapse when removed to the Second. Your Committee, however, are given to understand, that new regulations have lately been adopted, that there is no longer a distinction between the Classes, and that it is intended to subject the convicts in future to the discipline of the First Class during the whole period of their sentence, from which it is expected that hopes of permanent amendment may be entertained, and that a shorter period of punishment will be found sufficient.

Your Committee are of opinion, that still further improvement may be made. More effectual means should be adopted to prevent conversation between prisoners while in their cells; as unless measures are taken to prevent all communication, the object of the Institution will not be obtained. The indulgence hitherto allowed to prisoners of receiving letters from their friends, should in future be withheld altogether; and during the whole period of their confinement all communication from without, except in special cases, should be strictly prohibited.

The great expense of maintaining the convicts, has been urged against the Penitentiary system; it appears that since the opening of the Prison in 1824, the cost per head has varied from 30*l.* 3*s.* per annum to 57*l.* 12*s.* 2*d.* The expense, however, incurred since 1824, does not give a fair view of the necessary cost. The greatest number of prisoners confined at one time since 1824, has not exceeded 551 males, and 143 females; but the Prison is capable of containing, by the conversion of the work-shops, (which, by the abolition of the Second Class, are no longer wanted,) into separate cells, 796 males and 380 females. But as no proportionate increase of establishment would be required, the expense per head would be materially diminished. In order further to reduce the expenditure, Your Committee recommend the discontinuance of the practice of granting gratuities, varying from 2*l.* to 3*l.*, which have been hitherto paid to convicts, who, after their

their discharge, have conducted themselves to the satisfaction of the Committee of Superintendence. Captain Chapman states, that the prospect of receiving this indulgence, does not operate as an incentive to good conduct; and it appears to Your Committee unreasonable that the great cost already incurred in maintaining a convict, should be further increased by bribing him to a temporary obedience to the laws. This system of gratuities is the more unnecessary, as one-eighth of the earnings of every prisoner is reserved for his use, and paid to him on his discharge; and as work is furnished to every prisoner, none are quite destitute when the time of their confinement expires. Chapman, 168.

Your Committee are of opinion, that with respect to male convicts, as the Penitentiary has been established with a view to reformation as well as punishment, great care should be taken in their selection; none should be admitted, of whose reformation reasonable hopes may not be entertained; who have been convicted of a second offence, sentenced to more than seven years' transportation, or whom it is intended to send to the Penal Colonies.

Your Committee think that a confinement of from one to three years, with a strict enforcement of the system they have recommended, offers the best prospect of effecting the objects for which the Penitentiary was originally established. Chapman, 193, 4, 5, 8. Russell, 295.

No allusion has as yet been made to female criminals. With respect to their treatment in gaol both before and after trial, it appears to Your Committee that the same principles apply which have guided them in considering the treatment of males, and that the same discipline, as far as the difference of sexes will allow, should be observed. But with respect to those who may hereafter be sent to the Penitentiary, they consider that a rule nearly the reverse of that to be observed towards males, should be adopted. They have recommended that the punishment of males sent to the Penitentiary should begin and end there, and that none should be admitted whom it is intended to send to the Penal Colonies; but all females, who are sentenced to transportation should, in the first instance, undergo the ordeal of the Penitentiary; and those only who may have been convicted of comparatively trifling offences, and who have friends able and willing to receive them when discharged from prison, should, after a rigid confinement of one or two years, be allowed to remain in this country. But the hardened offender, the abandoned prostitute, of whose reformation scarcely any hope can be entertained, and the destitute female who, having neither friends nor home, has no alternative but a return to evil courses, should be sent to the Penitentiary as a preliminary to that part of their sentence which condemns them to banishment. Females of this description, after undergoing a discipline of a few months, more with a view to train them to habits of obedience and order, than with any hope of reformation, should invariably be sent to New South Wales, where, females being in great demand as servants by the settlers, the temptation to a relapse into crime from the impossibility of obtaining employment, would be avoided, and the best chance of reformation afforded of which their situation is susceptible.

Your Committee are induced to recommend a mode of treatment differing so widely from that which appears fitting to be applied to males, from a consideration of the difference of character, feeling and education of the sexes. From evidence to which they shall have occasion to refer, they have reason to think that there not unfrequently exists in the minds

of persons in the lower ranks of life an idea that great advantages are to be derived from being sent to Botany Bay, and that instances have occurred of the actual commission of offences for the sole purpose of being transported. It appears, therefore, necessary that punishment should be inflicted on all male convicts sentenced to transportation previously to their departure from this country, or on their first arrival in the Penal Colonies, and before they are allotted to the settlers. But with respect to the unfortunate females who are seduced into the paths of vice, Your Committee consider that very few will be found to have committed crime merely for the sake of being transported; and they agree in the opinion expressed by the Governor of the Penitentiary, "that women are not systematically trained to vice (prostitution excepted) in the same manner that young offenders of the male sex are; that it is unnecessary to hold out the same severity of punishment as a preventive to crime, as in the case of male delinquents, and that therefore transportation to the Colonies would be the best mode of correction; that it would be the best mode to provide for many who are helpless and without friends, and send them to a place where they are essentially wanted."

Chapman, 380.

Although, with respect to the great majority of prisoners, the Committee do not profess to hold out sanguine hopes of amendment, and although their reformation, except as incidentally in connection with, and arising out of, a system of Secondary Punishments, does not come within the limits of their instructions, yet they cannot forbear directing the attention of The House to the evidence of Mrs. Fry, to show what assiduous attention and proper management appear to have effected on the most abandoned characters; and although they are not disposed to recommend any means beyond those already provided by law to be furnished at the expense of the State, they are of opinion, that every facility should be afforded to those benevolent persons who undertake the task of visiting our prisons, and affording moral and religious instruction to their inmates.

3. The Hulks.—Your Committee, in proceeding to this branch of their inquiry, find themselves under the necessity of expressing their unqualified disapprobation of the whole system pursued with respect to convicts on board the Hulks.

The great principles which Your Committee have endeavoured to establish, are the necessity of a separation of criminals, and of a severity of punishment sufficient to make it an object of terror to the evil-doer. In both these respects, the system of management in the Hulks is not only necessarily deficient, it is actually opposed to them. All that has been stated of the miserable effects of the association of criminals in the prisons on shore, the profaneness, the vice, the demoralization that are its inevitable consequences, applies in its fullest extent in the case now under consideration. The average number of prisoners usually confined on board a convict ship, is from 80 to 800. The ships are divided into wards, each containing from 12 to 30 persons; in these they are confined when not at labour in the dock-yard, and the evil consequences of such associations may easily be conceived, even were the strictest discipline enforced. But Your Committee are informed, that so far is that from being the case, the convicts, after being shut up for the night, are allowed to have lights between decks, in some ships as late as ten o'clock; that, although against the rules of the establishment, they are permitted the use of musical instruments; that flash songs, dancing, fighting and gaming take place; that the old offenders are in the habit of robbing the new comers; that newspapers and improper books are clandestinely introduced; that a communication

A. B. 567.
Wortz, 1156.
Brett, 1304.
Knight, 1481.

A. B. 540.
Wortz, 1161 to 1171.
Brett, 1296 to 1301.

a communication is frequently kept up with their old associates on shore; and that occasionally spirits are introduced on board. It is true that the greater part of these practices is against the rules of the establishment; but their existence in defiance of those rules, shows an inherent defect in the system. But the indulgence of purchasing tea, bread, tobacco, &c. is allowed, the latter with a view to the health of the prisoners; the convicts are also permitted to receive visits from their friends, and during the time they remain, are excused working; and it is stated, that instances are frequent of their exemption from labour being extended to several days at the request of their friends. It is obvious that such communication must have the worst effect; it not only affords an indulgence to which no person in the situation of a convict is entitled, but it allows the most dangerous and improper intercourse to be kept up with his old companions, from whom it is most important to disconnect him. The most assiduous attention on the part of the ministers of religion, would be insufficient to stem the torrent of corruption flowing from these various and abundant sources; but, unless the evidence of three witnesses is utterly unworthy of belief, it appears that but little attention is paid to the promotion of religious feelings, or to the improvement of the morals of the convicts, and that, except for a short time on Sunday morning, the Chaplains have no communication whatever with them.

Knight, 1477 to 1497. A. B. 496, 7. Brett, 1334 to 1339. Knight, 1515, 6. Wortz, 1236. Brett, 1434. Knight, 1506 to 1512. A. B. 436. Wortz, 1151, 2, 3. Knight, 1545. A. B. 440. Wortz, 1240. Brett, 1310, 11, 12. A. B. 477 to 492. Wortz, 1216 to 1225. Brett, 1348, 9. Knight, 1546, 7, 8. Wortz, 1261 to 1267. Brett, 1427, 8. Knight, 159, 20, 22, 23.

This lamentable picture is drawn from representations which, at first sight, may appear questionable, being given on the authority of those who, having themselves participated in the scenes of infamy they describe, may not be considered very worthy of belief. Your Committee would not have been justified in allowing themselves to be influenced by such evidence, unless when supported by ample corroboration; and the House will observe, by a reference to the Minutes, that nothing has been stated on the authority of a convict, unless confirmed by that of others, with whom it was impossible for him to have any communication whatever.

The testimony of the first witness, A. B., a discharged convict, who had been between four and five years in the Hulks, being, in many particulars, contradicted by that of the officers in the Hulk establishment, Your Committee examined three prisoners in the Penitentiary, who had recently been sent there from the Hulks, and who, they were assured by Captain Chapman, the Governor, "had not had the slightest communication with each other, were in different wards and different pentagons, so that it was not possible they could ever have had any communication; and the probability was, they had never seen one another's faces before:" and no part of the evidence of the first witness has found a place in this Report, unless fully confirmed by the witnesses in the Penitentiary; and all new matter stated by any of these last witnesses has been disregarded, unless corroborated by the others.

1588.

The Committee are of opinion, that too much money is placed at the disposal of the convicts, as, in addition to any which, on coming on board, they may conceal about their persons, (and which it appears, there is no difficulty in doing), and to what they may receive from their friends, an allowance is made out of the earnings of their labour, of 3*d.* per day to those in the First Class, and $1\frac{1}{2}d.$ to those in the Second. Of this the convicts in the First Class receive 6*d.*, and those in the Second, 3*d.* per week, to lay out in the purchase of tea, tobacco, &c.; and the remainder is reserved and given to them, when they are liberated from confinement.

1197-8.

During the day the convicts are employed in the Arsenals and Dockyards; but there is nothing in the nature or severity of their employment

which deserves the name of punishment or hard labour. They are supposed to work from eight to ten hours per day, according to the season; but so much time is lost in the repeated musters which it is necessary to make when going to or returning from labour, that the number of hours' work actually performed, does not exceed eight and three quarters in summer, and six-and-a-half in winter. As a common labourer usually works ten hours per day, and when at task-work or during harvest-time much longer, the Committee fully agree with the opinion expressed, that the convicts do no more work than is sufficient to keep them in health and exercise; and "that the situation of a convict cannot be considered penal; that it is a state of restriction, but hardly of punishment." Indeed, three out of four convicts examined by your Committee, admitted that the labour is not more than sufficient to keep them regularly employed, and less severe than the daily occupation of a labourer.

Jones, 969.
Ditto, 971.
Lang, 1024.
Jones, 962.
Lang, 1028.
Jones, 965.
Wortz, 1133.
Brett, 1364, 5.
Knight, 1464.

This short sketch of the manner in which a criminal sentenced to transportation for crimes to which the law affixes the penalty of death, passes his time, which pourtrays him well fed, well clothed, indulging in riotous enjoyment by night, with moderate labour by day, will prepare the House for readily believing, that confinement on board the Hulks fails to excite a proper feeling of terror in the minds of those who are likely to come under its operation. The Minutes of Evidence furnish ample testimony, that the Hulks are not dreaded; "that the life in them is considered a pretty jolly life;" and that if a criminal can conquer the sense of shame, which such degradation is calculated to excite, he is in a better situation than a large portion of the working classes, who have nothing but their daily labour to depend on for a subsistence. Indeed, so far is this punishment from operating as a preventive to crime, that Your Committee have evidence, that the situation of a convict has been regarded with envy by the free labourers who see him at his daily work; and in the words of Mr. Lang, the master shipwright of Woolwich Dock-yard, under whose superintendence all the convicts in that yard are placed, "many labourers would be glad to change places with him, and would be much better off than they were before."

Wontner, 404, 5, 6.
Estcourt, 571.
Wakefield, 1410.
Wortz, 1173, 4, 5.
Brett, 1369.
Knight, 1571.
1037.

Notwithstanding all that Your Committee have been under the necessity of stating, with respect to the system hitherto pursued in the Hulks, they are by no means prepared to recommend the abolition of the Convict Establishment. The punishment of mere transportation to New South Wales, as they will hereafter have occasion to show, is not sufficient to deter from the commission of crime, and as yet no means have been suggested of inflicting adequate punishment in the Penal Colonies without entailing a very great additional expense on the Country. It is therefore necessary, that the more exclusively penal part of the sentence of criminals condemned to transportation, should be inflicted before they are sent to New South Wales; but as the Penitentiary is not sufficiently large to receive, even for a limited period, all those who are sentenced to transportation, and is, besides, attended with a heavy expense, an improved system of hard labour in the Dock-yards and Arsenals, which may repay to the Country a portion of the cost of maintaining the convicts, appears to Your Committee desirable; and they entertain a confident expectation, that, with judicious management, such labour may be made effectual to the punishment of the criminal, and conducive to his moral improvement.

The separation of the prisoners by night is essential as a first step towards improvement; and as the Committee find that such separation on board the convict ships is impracticable, it will be necessary to construct

places

places of confinement on shore, as nearly as possible on the plan of those in the United States, which appear to leave nothing to be desired on the score of economy or usefulness, and which effectually prevent all intercourse between the prisoners confined in them. In these the convicts should be confined when not at work, and the same vigilance exercised to enforce order and silence as has been recommended when treating of the management of the Prisons and Penitentiary. The indulgence of receiving visits from their friends, so liable to abuse, should be strictly prohibited, and all communication even by letter interdicted. That portion of their earnings hitherto allowed to them, should in future be carried to the public account. A criminal undergoing the sentence of the law is entitled to a sufficiency of comfort to promote health; but Your Committee cannot understand why he is to receive indulgences; and, as no one ought to be sent to the convict establishment whom it is intended to allow to remain in this country, there can be no necessity for reserving a fund for his use when liberated from confinement, as has hitherto been the case. The hours of labour should be prolonged, so as to make the work of a convict at least equal in point of duration to that of a free labourer. Jones, 977, 8.

The Committee are of opinion, that in future no persons sentenced to transportation, with the exception of those selected for punishment in the Penitentiary, should be allowed to remain permanently in the country, and that henceforth the convict establishment should be considered an intermediate station between the Gaol and the Penal Colonies. As the severity of the punishment will be greatly increased by the adoption of the restrictions already suggested, its infliction for a period varying, according to the guilt of the offender, from eighteen months to four years, as a preliminary to transportation, will probably be sufficient; but the inadequacy of simple transportation as a punishment being apparent to Your Committee, they are of opinion, that no male convict, whatever may have been his previous character or station in life, who may commit an offence deserving of actual deportation, should be exempted from the previous severe punishment of hard labour, in the manner here recommended. Your Committee trust, that the improvements they have pointed out will have the most salutary effect in enforcing habits of sobriety and industry, and preparing the convicts for filling situations in the service of settlers in the Australian Colonies, to more advantage than hitherto, when sent out loaded with the contamination arising from unrestrained association with the most abandoned characters.

Before they quit this branch of their inquiry, the Committee think it right to offer a few observations on the expense of the convict establishment. According to the Estimate of Mr. Capper, the superintendent, the average annual cost to the public per man, after deducting the value of his labour, is about 6*l.* 11*s.* 6*d.* If the earnings hitherto paid to the convict are withheld, and additional labour to the extent of an hour and a half per day is exacted from him, the charge to the Public will be considerably reduced. The expense of building Prisons as substitutes for the Hulks, is an important consideration; but although this at the outset will be considerable, amounting, according to the Estimate of Sir Robert Smirke, to the sum of 60,000 *l.* to provide for the reception of 1,000 Convicts, yet it is a question whether the outlay may not eventually prove consistent with economy, from the superior durability of the buildings, as compared with the old vessels now used as prison ships. 680 to 688. *See* Appendix, No. 3.

The total number of persons sentenced to transportation (including those whose sentence to death has been commuted to transportation) in seven

years, ending 1 January 1832, was 28,258, or 4,037 per annum. On the supposition that the improved mode of Secondary Punishment should fail to diminish crime, the same amount may be calculated on in future. The Penitentiary would probably be capable of receiving between 400 and 500 per annum, leaving about 3,600 to be disposed of in the various Dock-yards and Arsenals of the Kingdom. Supposing these to remain on an average two years each in the country, the number for whom it would be necessary to find accommodation would be 7,200.

The Committee, in thus offering their opinions on this important subject, are aware that the changes they have proposed are of too extensive a nature to be acted upon without caution; and they do not advise the hasty and extensive adoption of a plan which may be considered experimental, but they strongly recommend that an early trial of it be made at one of the Convict Stations.

Since the Committee have closed their examination of evidence, papers have been delivered in by a Member of the Committee, the details of which, if founded on correct data, point out the means of greatly facilitating the execution of the plan here proposed. It is stated that the extensive Prisons at Dartmoor, in which were confined during the late war from 9,000 to 11,000 French and American Prisoners, are capable of being converted, at a comparatively trifling expense, into a Gaol on the American plan, with solitary cells for 2,000 prisoners; that ample means of profitable employment are to be found in the granite quarries in the neighbourhood; and that the situation is healthy and convenient for the conveyance of the convicts to Plymouth for embarkation to New South Wales.

Appendix, No. 4.

It would be impossible for the Committee, without causing a survey to be made, to pronounce any decided opinion on the eligibility of the Prison at Dartmoor as a place of confinement for Convicts, previously to their being sent abroad, but they consider this a subject well deserving the attention of the Government.

4. The Penal Colonies.—The state of these Colonies having lately attracted the special attention of Government, and having been already brought under the notice of Parliament in the Reports of Commissioners sent for the express purpose of investigating their condition, and suggesting improvements in their management, and their distance from the Mother Country, and rapidly advancing state, requiring a system of administration adapting itself to their constantly varying condition, for the Committee have bestowed on this portion of their Report a more limited space than the importance of the subject may seem to require.

Although transportation, as known to the practice of this country, appears inadequate if inflicted as the sole penalty for crimes of a deeper dye, it may be considered a most valuable ingredient in the system of Secondary Punishments. Unless there existed some such mode of disposing of criminals whose offences do not merit the penalty of death, but whose morals are so depraved that their reformation can hardly be expected, no alternative would remain between perpetual imprisonment and the constant infusion into society of malefactors, who, after the term of their punishment had arrived, would again be thrown as outcasts on the world, without friends, without character, and without the means of gaining an honest livelihood. This evil is strongly felt in the United States, and the want of some place to which irreclaimable offenders may be sent is a source of anxiety to the statesmen of that country; in the words of a competent witness,

witness, "it is the cause of the gradually increasing culprit population in America, of which the Legislature cannot rid the country." Hall, 351–69, 371.

As to the effect produced by the prospect of transportation, the evidence shows it to depend greatly on the situation of those on whom it is to be inflicted. Agricultural labourers with families dread it extremely, while to single men, mechanics, who are sure of receiving high wages, and generally to all those who feel a desire of change, and a vague expectation of pushing their fortunes, it appears to hold out no terrors whatever. Indeed Your Committee have it in evidence, that the accounts sent home from New South Wales and Van Diemen's Land are so favourable, that they represent the situation of the convict as so comfortable, and the prospect of his advancement, if he conducts himself with prudence, so sure, as to produce a strong impression, that transportation may be considered rather an advantage than a punishment. Estcourt, 571, Wakefield, 1421. Walker, 891. M'Queen, 1355. Sess. 1831. M'Queen, 1350. Wakefield, 1395. Sess. 1831.

From the structure of society there, these objections can with difficulty be overcome. The labourers are so scarce, that on the arrival of a convict-ship, every convict not retained in the service of the Government, is eagerly engaged by the settlers, who are always ready to take more than can be furnished to them. As the object of a settler in taking a convict into his service is to improve his own property, and benefit himself, without reference to any considerations of a public nature, instead of inflicting any punishment on him, he naturally endeavours to render his situation as little irksome as possible. Ample proof will be found in the former part of the Minutes of Evidence to show, that the sense of degradation once overcome, the situation of the convict assigned to a settler is in many respects preferable to that of the agricultural labourer of this country; that his food is more abundant, his clothing better, and that, to add to his enjoyments, he has the advantage of a fine climate, with the certainty, if he conducts himself with propriety, of becoming virtually free in a few years, by obtaining a Ticket of Leave. If the condition of agricultural labourers is improved by transportation, mechanics find themselves still more advantageously situated; the demand for their labour is so great, and its remuneration so high, as to render it easy for many who are in the service of Government to purchase the connivance of the overseers (themselves convicts), by which they find means of sleeping out of the Convict Barracks, and of working after-hours at their respective trades; and many others are allowed to do so as a reward for good behaviour. Those mechanics who are assigned to settlers have still greater facilities for indulgence, as their masters find it to their interest to offer them very advantageous terms and privileges wholly inconsistent with a state of punishment, with a view to obtain, in return, the full value of their labour. They are consequently enabled to lead a life of comparative ease, with few of the restraints befitting a state of punishment, and quite inconsistent with moral improvement.

Applications were made in 1830 for 2,500 Convicts more than could be supplied. W. Walker, 1018. Sess. 1831.

Busby, 1209, 1228. Ditto, 1233, 1326. Sess. 1831.

The weekly allowance to a convict is 8 lbs. of beef, 10 lbs. of flour, 7 quarts of milk, 1 oz. of tobacco, and 2 suits of clothing per year.

De la Condamine, 1107, 1112. Appendix, i. p. 126.

Busby, 1214 to 18. Sess. 1831.

Such is, generally speaking, the condition of the labourer or mechanic, while undergoing the severe part of his sentence; but if he so conduct himself as to remain in the service of one master, he is allowed, if transported for seven years, a Ticket of Leave at the end of four years; if for 14 years, at the end of six years; and if for life, at the end of eight years. The acquisition of a Ticket of Leave may be considered as one step towards emancipation; the possessor of it, though confined to a particular district, and liable to be deprived of it for misconduct, is allowed to work on his own account; and the high rate of wages furnishes him with the means of acquiring capital, with which he is enabled, at the expiration of his

{Walker, 872. 984 to 987. Sess. 1831.} his sentence, to set up in business; and it is stated, that instances are not unfrequent of persons sent out originally as convicts having become possessed of considerable wealth.

The class of convicts which appears hitherto to have caused the greatest embarrassment to those connected with the Government in the Colony, and to dispose of whom properly no means have as yet been devised, is that known by the appellation of Gentlemen Convicts, consisting principally of men of education, who have filled confidential situations as clerks or agents in this country. From an unwillingness to associate persons of this description with felons of an inferior class, it has been usual to allow them to provide themselves with lodgings in Sydney, instead of confining them in the Convict Barracks; and as no profitable employment in the nature of hard labonr has hitherto been expected from them, many have been placed in public offices, and others in the families or establishments of settlers as tutors or clerks; but a number for whom no employment could be found, have remained on the hands of Government. For these last, an establishment was formed by General Darling, in the interior, at a distance of 200 miles from Sydney, the chief object of which was, to keep them separated from their former associates; but the expense of this establishment proving very heavy, it has been abolished by orders from the Colonial Office.

{Busby, Appendix, No. 1–6, 126. Sess. 1831.}

{Busby, 1181–7. M'Arthur, 1606. Appendix, No. 1 & 6. Sess. 1831.} The evil effects of a system so contrary to every sound principle, are forcibly stated in the Minutes of Evidence, and in the Reports in the Appendix. To say nothing of the strange anomaly of placing in confidential situations, under Government, or in private establishments, individuals convicted of forgery or fraud, or confiding to them the instruction of youth; the trouble they have given to the constituted authorities, and the encouragement that their advantageous establishment holds out to others to follow their example, will be sufficient to convince The House of the necessity of adopting a very different mode of treating such persons. With respect to the difficulty of managing persons of this description, Your Committee are of opinion that it may easily be overcome, and that it proceeds entirely from a mistaken feeling of humanity towards individuals wholly undeserving of favour. They therefore recommend that such persons should be sent to the convict establishment in the dock-yards at home, and having there acquired the skill and habits of labourers, be transported to the Penal Colonies, and subjected to labour in the service of the settlers. In the United States, criminals of this description are sometimes sentenced to imprisonment for life; but Your Committee are persuaded that such a punishment could never be carried into effect in this country. The real or apparent reformation of the prisoner, would inevitably so far prevail on the feelings of those to whom he had access, so many appeals would be made to persons in authority by his friends, that the consequence would probably be his release, after a few years' captivity: this might reform him, but would not operate as an example. But the prospect of eternal banishment from his native land, embittered by all the horrors of a lengthened and degrading servitude, would prove to criminals of this description little less severe than death itself.

{Busby, 1279. Sess. 1831.} The objection urged against the employment of such persons from their incapacity for hard labour, does not appear to be well founded; and Your Committee are persuaded, from the evidence of the Superintendent

Lang, 1079 to 1084. of the Convicts in Woolwich Dock-yard, that an able-bodied man, however unused to hard labour, may easily be trained to it, and become a useful servant to the settler in New South Wales.

With

With respect to the general treatment of convicts in the Penal Colonies, Your Committee were desirous of ascertaining by what means it could be made consistent with its professed object, and various suggestions have been offered for that purpose. It was the opinion of some of the Witnesses most conversant with the subject, that transportation might be rendered an object of greater terror if the convicts, on their first arrival in the Colony, were subjected to a certain period of hard labour in the road-gangs. But although unquestionably such a punishment would be severely felt, its tendency to render the criminal more depraved, if possible, and more reckless of consequences, and the great expense, from the difficulty of finding profitable employment for so many as must be added to the Government gangs, are objections to the adoption of such a plan. The employment of convicts by the Government, except for offences committed in the Colony, appears to be of very doubtful policy; it necessarily congregates them in large numbers, the evil consequences of which have already been adverted to, and is inconsistent with economy, as the public works on which they have usually been employed can be executed at a cheaper rate by contract than by Government. But the practice of allowing any portion of the Government convicts to sleep out of barracks, and to provide themselves with lodgings in the town, with leave to work on their own account, appears so incompatible with any well-regulated system of restraint, as to require the immediate attention of the Colonial Department. The Committee, therefore, recommend, That all convicts in the service of Government be strictly confined in their barracks at night in separate cells, and that the Barracks be for that purpose altered upon the plan of the prisons in the United States. That all male convicts, on their arrival from the Mother Country, be assigned to settlers in the rural districts, and that none be allowed to enter the service of those living in the large towns, until after several years' residence in the Colony.

Walker, 894. Busby, 1262. Sess. 1831.

M'Arthur, 1608. Busby, 1273. Sess. 1831.

That none but persons of respectability be allowed to have convicts in their service: the consequences of allowing settlers of profligate and abandoned character to have convict servants, are forcibly commented on in the Report of Archdeacon Scott.

Appendix, vii. p. 146. Sess. 1831.

That as the heavy expenses attendant on the support of the Colonies in New South Wales and Van Diemen's Land are likely to be augmented by the increased number of persons whom it is proposed to send there, no convict be assigned to a settler until he shall have paid, or given security for the payment, by instalments, of the expense incurred in the conveyance of such convict from the Mother Country.

That the service in the Colony necessary to the obtaining Tickets of Leave, which appear hitherto to have been granted on too easy terms, be not shortened in consequence of any punishment inflicted previously to transportation.

It was with a knowledge of the difficulty of providing adequate punishment in the Colony, that the Committee recommended, in their Remarks on the Hulks, an improved system of convict labour in the Dock-yards; and they are of opinion, that the increased severity of the punishment thus inflicted on convicts previous to transportation, will render it unnecessary, on their arrival in New South Wales, to resort to any measures of coercion beyond what may be required to insure a wholesome restraint, and a denial of indulgences inconsistent with a state of punishment.

The Committee trust, that thus transportation will be clothed with sufficient terrors to deter from the commission of crime many whom no virtuous

virtuous motives will influence; and that they will learn, that whatever advantages may eventually be acquired by banishment from the land of their birth, can be attained only by the painful endurance of a severe and protracted servitude.

Your Committee having now passed in review the different modes of Secondary Punishment, known to the practice of this country, wish once more to direct the attention of the House to their obvious tendency. If it is a principle of our criminal jurisprudence, that the guilty should escape rather than the innocent suffer, it appears to be equally a principle in the infliction of punishment, that every regulation connected with it, from the first committal of a criminal to gaol to the termination of his sentence of transportation, should be characterized rather by an anxious regard for the health and convenience of the criminal, than by anything which might, even by implication, appear to bear on him with undue severity. It cannot then be deemed surprising that, in an over-peopled country, where a great portion of the community must necessarily be exposed to considerable privation, and where consequently the inducement to the commission of crime, under any circumstances, must be great, those who have been brought up with little attention to their moral improvement, should, when urged by the pressure of want, yield to the temptation. On the one hand, they trust to the uncertainty of the law, and the chances of impunity which it presents; while, in the event of conviction, they know that the worst that can befall them, will be a change to a condition often scarcely inferior to that in which they were before. The Committee, therefore, seeing the full extent of the abuse, and being anxious to correct it, have recommended the adoption of a system which to many may appear at first sight characterized by unnecessary severity; but they feel persuaded that a few years' experience, should their suggestions be adopted, will show that it is attended not only with increased security to the public, but with advantage to the criminals themselves.

The Committee are aware, that should the suggestions they have offered meet with the approbation of The House, an Act of Parliament will be necessary to give them entire effect. But they think that ample time should be given for considering the Propositions contained in this Report, rather than that Parliament should at this advanced period of the Session be required to pronounce an opinion upon them. They would therefore content themselves with recommending for the present, that an immediate survey be made of the Prison at Dartmoor, and should it be found capable of being adapted to the reception of Convicts, as stated in the Appendix, that the House should be called upon for a Grant of Money for that purpose. The Committee would also suggest the propriety of causing to be prepared and laid before Parliament on its re-assembling, a Return of all the Prisons throughout the United Kingdom, stating the alterations and additions necessary to provide for the complete separation of the Prisoners to be confined in them, and the probable expense of such alterations.

Appendix, No. 4.

22 *June* 1832.

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

Martis, 7° die Februarii, 1832.

COLONEL DAVIES, IN THE CHAIR.

John Stephen, Junior, Esquire, called in; and Examined.

John Stephen, Jun. Esq.

7 February, 1832.

1. HAVE you resided in New South Wales?—I have.
2. Have you acted as a magistrate?—I have.
3. How long were you there?—I think very nearly three years.
4. Do convicts after their arrival there frequently appear to have the command of money?—No, they do not. The moment a ship comes into harbour, the Superintendent of Convicts, accompanied by the Colonial Secretary and three or four clerks, proceed on board the ship, and the Surgeon-Superintendent of the ship hands over to the principal Superintendent of Convicts all the money which has been found in the possession of the convicts during the voyage; which money is paid over by the Superintendent of Convicts to a merchant appointed by Government to receive the same, who is the Supervisor of a Savings Bank; and there it remains till the convict becomes free.
5. Has it never happened that the convicts have received remittances from home?—I am not aware of that; but if such should be the case, there is, I believe, a regulation that the master may deprive such convict of the money, and hand it over to the Savings Bank.
6. Have large sums ever been taken from the convicts on their arrival in New South Wales, and placed in the Savings Bank?—The largest sum that ever came to my own actual knowledge was, I think, 150*l.*
7. Was the convict, on the expiration of his sentence, allowed to receive the money again?—That convict was not free when I left the Colony; but convicts are entitled to such money on their becoming free, together with the interest which accrued upon it.
8. Does it not occur to you that any such money would with much greater justice and propriety be applied to the indemnification of parties who have been pilfered by the convict, and for invading whose property he is sent over there?—I apprehend in all cases of felony the property reverts to the Crown when a convict has committed any serious offence, and he is no longer entitled to the property; and if it were taken in this country, that would become the property of the Crown. But it is in fact the convicts who have been sent from Ireland under the Police Laws, and persons who have been poachers in this country, who have friends possessed of some small means who have sent them out money, or given it them in some instances before they have gone abroad.
9. Are you competent to state that persons who have committed felonies have not been allowed to retain property on their arrival there?—I have never heard of an instance of any convicts having property in their possession.
10. It appears from the Evidence of some of the Witnesses, that in their opinion the punishment of transportation is not so severe as it ought to be, or as it might be rendered; would it be practicable, on the first arrival of the convicts in New South Wales, in all cases, to consign them to the road gangs for a time?—I think it is objectionable placing convicts on their arrival in New South Wales in a state of punishment. Settlers in general are not disposed to take convicts, who, by their associations with those who are perhaps worse than themselves, may become more tainted; and if you were to place convicts, on their arrival in New South Wales, in a state of severe labour, such as that undergone in road gangs, there would be no punishment which magistrates could administer for offences while they are under confinement.
11. Would it not be perfectly practicable to consign all convicts, in the first instance,

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instance, to the road gangs for three or four months?—It would make their punishment more severe.

12. In point of fact, a convict, now a labourer, going out to New South Wales, being immediately consigned to a settler, is he not better fed and better clothed, and less hard worked than common labourers in this country?—There is a certain ration allowed by Government, and if the convict falls into the service of a private gentleman, he becomes better off than a labourer in this country.

13. Is he not better off as an agricultural labourer than he would be here?—He cannot get the comforts which he may get here.

14. What are the rations received by a convict labourer in the employment of a settler?—He receives seven pounds of salt beef or four pounds of pork a week; I think, a peck of wheat, which he is obliged to grind himself; and a few ounces of tea and sugar; and two suits of coarse clothing in the course of the year; two pair of shoes, and one blanket and a bed from the ship upon his arrival in the Colony, which they frequently dispose of on the road-side, on their way to the farm, for rum. They arrive very frequently, when they travel to a distance in the interior, without any clothes except those they have on their backs.

15. You state, as one objection to the employment of convicts in road gangs, that the settlers would not be disposed to take them because they might be more contaminated; do you think it possible to undergo greater contamination than a convict experiences in the gaol in this country, and on board ship in his passage out?—No, certainly not. When he arrives in the Colony, it is generally found that a convict considers his period of probation commences, and he is rather anxious to secure to himself, by good behaviour, a character with the Government, which will obtain their reward, than, by misconducting himself, to get into a state of punishment, and eventually to a penal settlement.

16. Knowing the condition of the labourer in England, and the convict in New South Wales, taking all the circumstances into consideration, do you consider the circumstances of the convict in New South Wales preferable to that of the labourer in England?—No, taking the whole into consideration; but I have generally found that convicts feel their situation very keenly when they get out there, as in a state of slavery, being placed under restraint and subjected to the summary jurisdiction of magistrates, deprived of the use of spirits or beer, or any luxury of that sort, which the lower orders in this country enjoy; they sleep in open tents, entirely made of the bark of trees, with shingles of wood, and, having got rid of their own blanket and bedding, frequently without any covering at all.

17. Is not the climate milder than that here?—Yes; certainly it is a very fine climate.

18. Then that renders the covering in the night less necessary?—Yes; but the nights there are often very cold.

19. You conceive they feel their situation very deeply?—Generally, they certainly do.

20. Who are the persons constituting the committee for granting tickets of leave?—It is a board, consisting of three magistrates, appointed by the Governor to investigate the claims, and report upon them.

21. Is there more than one board for that purpose?—There are boards in the different districts; the principal one is at Sydney; the other boards frequently send from the districts to the board at Sydney, because they have the means more readily of ascertaining with respect to the conduct of the man, than can be had in the interior. When a convict wants a ticket of leave, he has a form given to him, in which he sets forth his arrival in the Colony, his original sentence, with what master he has served, and a number of other particulars. This is laid before the board, and the man is summoned to appear on a certain day. The board send in the meantime to the different districts in which this man has resided, to inquire at the police-offices whether he has undergone any punishment during the period he has resided in such districts. If they find he has, they immediately dismiss his application; if he has not misconducted himself, they then recommend him to the Governor for a ticket of leave.

22. Is there no reference made to the masters whom he has served?—The form contains a certificate at the bottom, signed by the master, that he has conducted himself properly. A convict transported for seven years, claims a ticket at the expiration of four years; for fourteen years, at the expiration of six; for life, at eight; but there are also means of shortening these periods. Any convict who apprehends another, who has been absent from his station, I think, above thirty-

six hours, gets a remission of three months of his time; and any convict bringing three receivers of stolen property to conviction, is entitled to a *conditional pardon* at once; if he bring one receiver of stolen property to justice, he is entitled to six months' remission of his sentence. So that it happens frequently, that a man who has been in the Colony only perhaps a year and a half, and by means of apprehending convicts who have escaped, and giving information which has led to the conviction of receivers of stolen property, obtains his ticket.

23. Do not you think a master refusing to sign a recommendation to the committee, for a ticket of leave for a convict in his service, would be liable to have less efficient labour from that convict afterwards?—They dare not ask the master to sign unless they are entitled to it; a master will refuse, if he cannot justly sign the recommendation; and if a convict misbehaves, he has the power of returning him to the Government and getting another in his place. But a man who has resided four years in the service of one master, gets it as a matter of course, provided he cannot be proved to have misconducted himself.

24. You think no master will sign a recommendation, unless he considers the man a fit subject?—I do not think they would do so; for the means of detecting them, if they state that which is not the case, would prevent a false character being given. If a man has misconducted himself, he is taken before a magistrate of the district, and the record being referred to, it would be seen that the convict had committed some offence and been punished, and the recommendation of the master would be of no avail.

25. Although the convict had not committed any great offence, so as to justify the committee in refusing that recommendation, yet might he not have been so unworthy a person in other respects that, if the master had not been afraid of refusing him his recommendation, he would have done so?—I apprehend that would not be the case. A master would not be afraid of refusing from the fear of losing his services, for he has the means of compulsion in his own hands.

26. Without having committed any serious offence, such as to entitle the master to the interference of the Police, may he not have been so utterly unworthy a servant to the master, that the master might be disposed to refuse the recommendation for a ticket of leave?—Then the master would return him to the Government. He has nothing to do but to take him before a magistrate; he need not state any offence, but that he wishes to return him to Government, and get another in his place.

27. A private settler having taken a convict, is not necessarily obliged to keep him?—No.

28. He might be an excellent labourer, and yet a very improper subject for the recommendation of the committee?—I have known instances occur the other way, where a man has been an excellent servant, and has never committed any offence, yet the master has refused to sign a recommendation for the purpose of retaining him in his service; for, in ninety-nine cases out of a hundred, when a man gets a ticket of leave, he does not remain with his master. They get their tickets of leave granted for particular districts at the discretion of the board. The object of Government is not to permit them all to reside in one district.

29. Does not the system of granting tickets of leave resolve the whole question into this, that a man who may have been sentenced to transportation for life for a capital felony, if he conducts himself with prudence, and serves eight years with one master, may, during the whole of that time, have been well fed, well clothed, well lodged, and not very severely worked, and, at the expiration of that time, get a ticket of leave, and, with the exception of his being unable to remove from the district in which he is located, be to all intents and purposes a free man?—Yes; but the least instance of drunkenness, or other impropriety, deprives him of his ticket of leave, even after he has obtained it.

30. Have many been deprived of them?—There are many who have been deprived of their tickets of leave.

31. How do they become known?—They are generally known by the Police, which is very efficient in the districts.

32. Are many tickets of leave withdrawn?—I think convicts are persons so anxious to get them, that when once obtained they are careful of their future conduct.

33. You think that the fact of their not being withdrawn arises from the good conduct of those to whom they are granted?—Yes.

34. Do you think the present system works well, or that it requires modification to make it more efficient?—I think it works well.

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35. Do you think there is such a thing as reformation ever effected in any instance you have known?—I should say certainly. It may be as well here to observe, that the tickets of leave to females are granted at a shorter period of probation; a woman transported for seven years obtains it at the end of two years; for fourteen years, at the end of three; and for life, at the end of four years.

36. Have you read Major M'Arthur's Statement?—I have. There is a very strong party feeling in respect to convicts in New South Wales. The Act of 9th George IV. c. 83, s. 9, appears to have been passed with a view to legalizing the granting tickets of leave, which was before merely a regulation of the Government, and not sanctioned by any positive law; and that clause enacted that the Governor should have the power of assignments, and, under certain conditions, the power of revocation of assignments. Accordingly the Governor, wishing to try the operation of this law, arbitrarily revoked the assignment of a convict; and the case was brought before the Judges, who decided that the Governor had not the power of revocation, except for the benefit of the convict, and that when the assignment was made, the assignee had a freehold in the person of the convict. Since that decision, General Darling has issued a notice that he will not grant assignments unless with the power of revoking them if he should think fit; and many gentlemen will not take convicts under those conditions.

37. But the owner of the convict may send back the convict to Government?—Yes. I may here observe, in reply to a previous question, that convicts generally conceive, on their arrival, that by the simple act of expatriation, the law has had its full purpose and effect; as far as the punishment is concerned, they consider that on their arrival in New South Wales the period of their reformation, if I may so term it, commences; their period of probation, in fact.

38. Would it not have a most powerful effect in deterring from the commission of crime if it were generally known in this country that instead of the term of their punishment having terminated on their arrival there, it had only commenced?—I think it would.

39. Is the punishment of working in a road gang ever inflicted on a convict who has not been guilty of some offence, either during the voyage, or after his arrival in New South Wales?—Only after his arrival in New South Wales, on conviction before a magistrate of some breach of duty.

40. It is by no means a necessary part of the punishment of a man sentenced to transportation?—No, by no means.

41. If, instead of its being only considered a punishment for offences committed subsequent to the arrival of the convict, it were considered a part of the punishment of every person sent out to that Colony, and that were generally known here, would it not have great effect on persons in this country?—I think it very probably would. There are two species of punishment on the road; the one the road gangs, and the other the chain gangs; and in the summary jurisdiction vested by the law, one magistrate, on the oath of one witness, can sentence a convict for insubordination, drunkenness or petty larcenies, and other minor offences, to whichever he thinks proper, either to the road gang, where he is kept under the superintendence of the overseer, in breaking stones, or to the more severe punishment of labouring on the roads, and having irons placed on his legs.

42. Do you see any objection to the making it a part of the punishment of every convict that he should work in the road gang immediately on going out?—I think if the Judges in this country were vested with a discretion, in passing sentence, to add labour on the roads, that might be attended with beneficial consequences; but it is very difficult for the magistrates in the Colony, when convicts are brought before them, to apportion the punishment according to the crime: they have not the same means as magistrates have in this country; they have only road gangs and iron gangs and the penal settlements.

43. What are the penal settlements?—The penal settlements are set apart for those convicted of felonies. Two magistrates have power to transport for three years, and the Judges of the Supreme Courts in New South Wales for seven years, to the penal settlements. Two years' working in chains on the roads they consider equivalent to seven years' transportation to a penal settlement.

44. When convicts arrive in New South Wales, is any consideration had of the crimes for which they were transported?—Never.

45. When a convict is convicted of any offence committed in the Colony, has the offence of which he was convicted previously in England any effect in respect

to

to the degree of punishment the Judge in the Colony awards to him?—No, it has not. The Judges act in the same manner as they do here at the Sessions, for the trial of different offenders brought before them; all the prisoners convicted are generally brought up at the end of the Sessions; the three Judges consider each case in private, and decide the quantum of punishment to each person convicted. It sometimes happens that a Judge will inquire, when a prisoner is at the bar, whether he is a free man or came to the country as a convict; which may make some difference in the sentence, provided he is found guilty; but they never ask the "nature" of the offence of which the man was convicted.

46. There is no great difference between the punishment awarded to a freeman or a convict?—They can only receive the same punishment as in this country, according to the offence—seven years, fourteen, or for life. A person who has either arrived in the Colony free, or was born in the Colony, is not liable for the first offence to be transported to a penal settlement; that is the law of the case; but then the present Government have passed over that entirely, and I know a number of cases where they have sent persons who have been convicted in the Settlement, though "born free or coming free," to a penal settlement at once: whereas the law says that they shall not be sent to a penal settlement, but be treated in the same manner as convicts sent from this country.

47. You consider that an infringement of the law?—There are a great number of persons transported for a first offence to the penal settlements at Norfolk Island and Moreton Bay, who have been either free persons, have gone out as soldiers, or were born in the Colony.

48. Does the power of cancelling a ticket of leave rest arbitrarily in the Governor, or are the cases in which such ticket of leave is to be cancelled determined by any subordinate Court?—When a complaint is made against a man holding a ticket of leave, before the bench of magistrates, he is required to hand up his ticket of leave previous to the case being gone into, and if not proved it is returned to him. On the other hand, if he is convicted, the ticket is sent to the Governor, with a report of the case, and the recommendation that it should be forthwith cancelled.

49. Do you think it would be any improvement upon the present system, if an official record of the crime for which the convict was transported were to be forwarded to New South Wales, under the authority of the Court before which he had been convicted?—There always is a report of the crime. It is furnished by the Surgeon-superintendent of the ship; it is given to him in the first instance by the Keepers of the Gaols from which the convicts are sent, who deliver it over to the Superintendent of Convicts; so that at all times a reference made to the principal Superintendent of Convicts will enable any person to ascertain the offence for which a convict was transported.

50. The Judges have access to this document?—Yes, but it is never received by them as legal evidence of a conviction; consequently they look upon a free man and a convict, when brought before them, in exactly the same light.

51. Then the record is of very little use in the way of reference?—Very little use.

52. Are you aware of the precise nature of the record?—Yes.

53. Does it go into any detailed statement of the nature of the offence committed?—No; there is a document furnished by the Keeper of the Gaol to the Surgeon-superintendent, stating the nature and description of the offence committed in general terms, and the period of transportation, and they will occasionally subjoin a statement of his conduct during the time he has been in gaol, for the guidance of the Surgeon, during the voyage generally. When a convict is brought before a bench of magistrates, they ask him what he was transported for, and how long; they take all these admissions from himself. They have always a return from the Superintendent's office, which can check this account given by the convict of himself. The Supreme Court has been frequently placed in a very awkward situation by no legally authenticated records being transmitted.

54. You think that an authentic record of the Court before which he was convicted being sent, might serve as a guide in apportioning the punishment?—I have often thought it would be a great benefit sending a properly authenticated copy of the original record in every case.

55. Have you any knowledge of the penal settlements?—I never was in either of them.

56. It appears from the Evidence of other Witnesses examined, that the educated convicts and persons who have not been accustomed to labour in this country, and

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mechanics who have been in the finer operations of work, are more difficult to be dealt with than other persons; is that your opinion?—It is.

57. Would it not be perfectly possible to make persons of this description, who may not have been accustomed to hard manual labour, if not at too advanced an age, or in infirm health, work in the road gangs?—I do not see that there would be any objection. It is a source of great discontent among the lower orders in New South Wales, that there is that distinction made in favour of better educated men, whom they consider, from their previous habits of life, and their better education, deserving punishment in a tenfold degree.

58. You conceive, though it might operate to a greater extent on such persons, it would not be a greater punishment than their crime would deserve?—No; I think not.

59. With respect to the London thieves, might not they also, though not accustomed to labour in this country, be worked in the road gangs in the same manner?—I apprehend it is perfectly possible to *make them work* in any manner, either in service or the gangs.

60. The objection at present to it is that they are useless?—Yes.

61. If they became accustomed to labour in the open air, would not a great part of the objection on the part of the settlers be removed?—It would as far as their *knowledge* of labour is concerned.

62. Do you see any objection to a general system being adopted, in case it should still be deemed advisable to send persons of that description to New South Wales, that they should in the first place be employed in the road gangs?—I see no objection at all to that regulation, so far as the convict is personally considered.

63. Do you see any mode of punishment more eligible?—I am not aware of any. There has been of late years a departure from the original custom, and I do not know on what grounds. Convicts were always compelled to wear convict clothing, and no convict was allowed to wear a long coat; and I have been present when the magistrates have ordered the long coat of a convict to be cut off; but of late years there has been no distinction at all made in the dress, so that it is impossible to distinguish a convict from another. A convict servant puts on his master's livery, and he is not known by the Police from the rest of the community.

64. In your opinion, is it not very unadvisable that persons who are of the description of educated convicts and of London thieves should be allowed to reside in Sydney or the large towns?—I think it highly objectionable that they should; in fact, under the present system they are both a perfectly useless class, and the plans which have been adopted, of sending educated convicts to Wellington Valley, though it keeps them out of the way of temptation of every kind, by removing them so far into the interior, are attended with very ill consequences on the minds of their less fortunate associates in crime.

65. How far is Wellington Valley from Sydney?—I think 220 miles.

66. Are they not kept at labour there?—They are merely on their parole of honour, and their labour is very trivial. They are persons who have been sent out for forgery, or crimes of that description.

67. You think, upon the whole, that by a proper system, those persons who have hitherto been totally useless, and a burden on the Colony, might be converted into an useful class?—I think they could; though it would be attended with some difficulty.

68. Do you think it possible to make the convicts who are employed in the road gangs work in silence?—It would be possible, by keeping a constant surveillance over them.

69. That would render it a much more severe punishment?—I have no doubt it would do so.

70. You conceive the enforcing that would be attended with very great difficulty?—Yes, they work in large gangs of forty or fifty, or sixty; and they have generally only two overseers.

71. The women work in the factories?—Yes.

72. There are certain Government establishments, dock-yards and lumber-yards?—Yes, there are.

73. Are they attended with any expense?—Very considerable expense.

74. Could the work be performed on cheaper terms by contract?—I have not the slightest doubt it could be so; that is the general opinion of persons more competent to form an opinion upon that subject than I am.

75. Would

75. Would the contractors be able to find a sufficient number of labourers?—They would obtain them by application to the Superintendent of Convicts.

76. The description of labourers would be the same, but conducted in a different manner?—Yes; the person who had the contract would see that the labour was performed; the master would see to that.

77. Would you not place them under the Government officers when not at work?—They must be confined in the barracks; there are barracks for them now.

78. Are you of opinion that the transportation of convicts to New South Wales might be conducted on much cheaper terms than it is at present?—Very much so indeed.

79. In what manner?—By contract.

80. Contracting for the conveyance and food?—Contracting for the conveyance and food, the Government at the same time supplying a medicine chest and superintendent surgeon.

81. Have you an idea at what it could be done per head?—I have seen calculations by merchants in the City, by which it appears that it could be done at 14*l.* a head, male and female.

82. Are there not settlers in the Colony who would be ready to pay the expenses of persons sent out, if they were assigned to them to work on their respective farms as convicts?—I think there would be, generally speaking, throughout the Colony a disposition not to pay the whole amount at once, but to pay a certain sum per annum for their services.

83. So as, in a number of years, to pay the whole expense of the transportation of an individual from this country?—Yes.

84. If the wives and families of convicts were sent out to them, or allowed to accompany them, would not that divest the punishment of all its terrors?—Entirely, I think.

85. Do not you think it would be likely to induce the reformation of convicts if their wives and families were sent out with them?—It certainly would have a tendency in some respects to do that.

86. Are there not instances of persons committing crime to remain in the Colony with their families?—It has frequently happened that soldiers have committed petty larcenies with a view of being convicted in the Supreme Courts, rather than proceed on to Madras. I know cases which occurred in the 3d Buffs and the 57th Regiment. The cases to which I allude have been brought before the public; the cases of two men, Sudds and Thompson, who committed petty larceny in the day-time. They took the goods out in the presence of the shopman, and walked outside the door, and waited till he sent for a constable; and stated their reason to be, that they might be convicted before the Courts and made convicts, in preference to being sent on to India. They were tried before the Quarter Sessions and convicted, and were sentenced to be transported for seven years. Under a section of one of the Colonial Laws, they considered that they should be treated as convicts, having come to the Colony free, and be subjected to prison discipline only; they were expecting their wives out to join them; and by another Government regulation it was the custom, in case of a wife coming out to the Colony, that she was entitled to have her husband, if a convict, assigned to her; by which means he would be merely under nominal restraint. In the case of these two men, the Governor ordered the sentence to be annulled, and chose to treat them as military men. He ordered them to be brought before the soldiers in garrison, habited them in convict clothing, and placed iron collars round their necks and legs, and ordered them to be worked on the roads seven years, instead of being sent to a penal settlement.

87. Was this in consequence of any fear from the climate of India operating on these men?—They had received the report that the greatest part of the first detachment of the Buffs, who had landed in India, had died.

88. Have you heard of any circumstances connected with the conduct of the soldiers of the 46th Regiment, who were sent to Madras from New South Wales?—Yes, I have heard that some soldiers of that regiment had committed some offence, and had remained behind as convicts in the Colony; on the arrival of some of their comrades in India, they were induced to commit the same offence there, with a view to being sent back to the Colony of New South Wales.

89. What is the effect produced upon the convicts in New South Wales by a fear of penal settlements?—They look upon them with so much dread, that I think it acts in a great measure in the prevention of crime.

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90. Do you think that a conviction on the mind of persons in this country, that the punishment of transportation would be attended with great hardship and severity upon them, would have an effect in deterring them from committing crimes?—In a very great measure.

91. Do you think the adoption of the same system in New South Wales, which is practised in the penal settlements, would in like manner have the effect of deterring persons from committing crimes in this country?—That could not be done in a society consisting of a mixture of free persons and convicts. The penal settlements are very peculiarly circumstanced. There were three; there are now two, named Moreton Bay and Norfolk Island, which are set apart by Act of Parliament for the reception of convicts who have committed some offence in the Colony of New South Wales, "and being under sentence of transportation." Moreton Bay, which is considered the least severe of the two, females as well as males, are transported to; but at Norfolk Island, it has been, until within the last twelvemonth, the rule not to allow any females to reside there at all; and I have known a number of instances occur at both penal settlements, of convicts committing murder and piracy with a view to being executed, rather than remain in those penal settlements; and I have also known instances of suicide.

92. Have you any knowledge of the system adopted in those settlements?—Convicts are kept at Moreton Bay at very hard labour, felling trees, some with single, and others double irons. At Norfolk Island they are employed in the same manner, and also in the repairing and making roads throughout the Island; but the principal punishment arises from women being altogether excluded from that Island. The first trial I witnessed in New South Wales was of four or five men brought from thence upon a charge of piracy, and after they had been sentenced to death, they thanked the Judge for having ordered them to die; stating, that they lived in such a state of horrid misery, witnessing the most horrid crime known to human nature, committed in numberless cases from morning to night, that they preferred death. I recollect another trial taking place, where a witness (who was brought upon the part of the prosecution, against some men who had committed murder on a poor old man who had lost one leg and one arm, and was incapable of working; they thought his life less valuable than any other, and they walked up and cleaved his skull in two with their pickaxes, merely for the sake of being tried and convicted;) was called on to state what generally occurred at this Island; and he said, that unnatural offences were so frequently committed, 50 and 60 cases occurring in a day, that a man could not exist there. It made men so perfectly miserable, that many preferred death to living in that penal settlement.

93. What is the average number of prisoners at Norfolk Island?—I should think 400 or 500.

94. Supposing, instead of sending persons convicted of offences in the Colony to Norfolk Island and Moreton Bay, they were sentenced to a long period of imprisonment, strictly solitary, would that have an equally strong effect in deterring from crimes?—I think the general impression with convicts as to solitary confinement is, that it is the most severe punishment which can be inflicted.

95. Would it not be attended with a very heavy expense to erect buildings calculated to contain 400 or 500 prisoners in separate cells in the neighbourhood of Sydney?—Building, in general, is very expensive in the neighbourhood of Sydney, because they have no lime. They might certainly erect buildings in the interior, 50 or 60 miles, for the purpose of separate confinement; but there would be some expense on removing the convicts from Sydney to those places.

96. Might not the convicts employed in the road gangs be employed in the erection of those buildings, and might not that be rendered a part of their punishment?—Yes, certainly.

97. Where is the nearest place at which they can get limestone?—About 70 or 80 miles. There is the finest free-stone in the world throughout the whole coast.

98. Is building as expensive in that country as in this?—Much more so.

99. What is the expense of provisions?—Meat is 1*d.* a pound, and bread is very cheap.

100. Is there a military force at Norfolk Island?—Yes; about 100 men now.

101. Do the convicts ever return from the penal settlements?—Yes, some of them; but they are mostly sent for life.

Lunæ, 13° *die Februarii*, 1832.

Lieutenant-Colonel *Henry Gillman*, called in; and Examined.

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102. HAVE you been at the penal settlements at Norfolk Island and Moreton Bay?—No, I have not been at either one or the other. I have been Commandant at other penal settlements, at Newcastle and Port Macquarrie. Both those places have been opened to the free settlers. I think it was in 1824 or 1825 I went to Port Macquarrie.

103. What is the mode of treatment of the convicts at those penal settlements?—It depends upon their sentence. Some men are sent out to be worked in irons, and others are respites, who have been sentenced to be executed, and sent down with particular instructions about them: they work more severely than the others. A great deal depends upon their previous character and strength.

104. Will you divide them into classes, and state to the Committee the manner in which each class is treated?—The plan I adopted when a vessel came down there with prisoners was this: I generally assembled them on the shore, read the indents, saw what they were transported for, and I kept the very bad characters as much as I could from associating with those of whom there was some hopes of improving; and then a great deal also depends upon the trades they were. It is part of the duty of the Commandant of a penal settlement not only to endeavour to improve their morals, but make their services as serviceable to the Government as he possibly can, so as to repay the Government the expense of sending them down and supporting them.

105. Then in what manner did you treat those subject to the most severe punishment?—Those I always worked in irons; respites for instance; irons of a certain weight.

106. What sort of persons were they?—Desperate men, who had been down very often before, and respites; those men who had been often down with me, but made their escape.

107. By respites you mean men sentenced to death?—Yes, and sent down for life.

108. Were they to work for life in irons?—Yes, that was the intention; but many men, after good conduct for many years, have had their punishments mitigated. That was one of the inducements held forth to those people, that if they deserved the recommendation of the person under whose charge they were placed after a certain number of years, he was allowed to recommend them.

109. How many hours a day were they worked in irons?—Generally from sunrise to sunset, except when they went in to their dinner or breakfast.

110. What sort of labour were they engaged in?—Making roads upon the agricultural establishments and sugar plantations, and building public works, and in various ways.

111. Was the labour very severe?—Yes it was, because they were kept at it from morning till night.

112. Without any relaxation?—Except going in to their dinner and breakfast.

113. After the hours of labour terminated, what was done with them?—The men of the very worst description I had in barracks; when I left, I was building barracks for all. They were put into barracks, their blankets and hammocks put out, and locked up for the night.

114. Were there many of them together?—Two or three hundred in a barrack, in large sleeping rooms, that held 100 each room, some more, some less. I had several barracks at Port Macquarrie, some large and some small.

115. Had you any statement made to you of gross indecencies going on?—I have heard such things reported, as I have in England; but I never had it brought to my knowledge as a magistrate, that I now recollect.

116. The worst description of persons you have described might be considered condemned to a hopeless state of slavery?—Yes, except their conduct was exceedingly good after ten or fifteen years; some of those men would give information very important. Among a number of 1,500 they were always planning modes of escaping and getting up into the free country, and committing robberies; and it was of great importance to get into their plans; and when it turned out that those people gave information that prevented some diabolical act or another, I felt it my

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duty to recommend such men, and if their general conduct merited it, to get some mitigation of their sentence.

117. Did you find that this severe punishment had a very powerful effect upon the minds of the men; did they seem to feel it?—Yes; they dreaded very much going down there.

118. When there, did they seem very miserable?—Some of them did not appear to care about it. Some, the most determined fellows, I could scarcely get to work; and when they did go out, unless there was a constable looking after them, they got into the bush. I generally took them again, but those are a description of men that no example or care over could do any good to; but on the contrary, many men I have seen improved by it.

119. Did you see that there was such a horror of it on the part of those people, that they sometimes committed suicide, or even committed murders for the purpose of being executed?—I do not recollect a single man committing suicide while I was there. I have known them to form plans and hatch schemes, for the purpose of getting to Sydney, to be examined before the Criminal Court; but never any thing of that sort. On the contrary, generally speaking, they were not at all disposed to rid themselves of their lives.

120. What was the punishment you inflicted on a refractory convict?—It depended upon the sort of man he was. I very seldom resorted to flogging; I generally resorted to work. I thought there was more chance of it doing the man good, as well as the Government; but sometimes I did flog.

121. With respect to the other convicts not of so desperate a description, what was the treatment adopted?—They were allowed to live in the settlement. As I had not barracks sufficient for them, I had it divided into districts and wards, under the charge of constables; and whenever a man misbehaved, I put him into the barracks; if he did not misbehave, I gave him every indulgence, provided that he did his work properly and did not trouble the settlement. But it is desirable to have barracks for all prisoners, when there is time to erect them.

122. Were those men in the service of the settlers?—No; working for Government.

123. In what description of works were they employed?—Some of them were mechanics; I had all sorts of work for them; the time I was there I built a church; I built a factory for women, and various other public works; I built a brig of 120 tons burden; I had a sugar plantation of perhaps 400 or 500 acres, and an agricultural establishment of 1,000 acres or more; an amazing number of establishments under me on the settlement.

124. Were those men worked with excessive severity?—No, I never knew any man to get ill from work; whenever the doctor reported to me a man was not able to work, he staid in, or was put to light work.

125. Do you think they did much more severe work than an agricultural labourer in this country working at task work?—Their work was different; a man in irons, you could not expect he would work so much or so quick as a man getting so much a day for his labour, to support his family. A man is obliged to work there for the Government, getting no consideration for it but his clothing and his living; but I have known many of them exert themselves exceedingly, perhaps as much as any mechanic at home; but those were mechanics.

126. They received no money wages?—No money whatever.

127. What allowance did they receive of rations?—When I went down to Port Macquarrie, I found that my predecessor had been adopting plans for arranging the settlement on some system; his plans I adopted to a great extent. This, and the knowledge I had previously acquired at Newcastle, induced me to draw out certain regulations for the conduct of each person on the settlement, something similar to the standing orders of a regiment.

128. In what state was Port Macquarrie when you went out to it?—The person I relieved died very suddenly; he was then certainly bringing it into good order, and was doing it as quickly as he could; he had been there only a few months; but it was previously, I had been given to understand, in rather a loose state. But this, I should say, arose from the circumstance that the settlement had been then in its infancy, and the meritorious officer who had charge of it had greater difficulty to encounter than his successors. I never heard of any horrid crimes committed there that I now recollect.

129. State now what were the rations received by the prisoners?—At breakfast, they had eleven ounces of bread, with a pint of coffee; you can scarcely call it coffee;

coffee; they were allowed twelve ounces of bread; but I had the flour sifted for them, and about an ounce of the coarse part that came out I had burnt, and it made a very decent sort of coffee, and it gave them something to drink: they had eleven ounces of bread, and one ounce of coffee made from a small quantity of burnt flour or siftings. At dinner, eleven ounces of bread, one pound of beef, or ten ounces of pork, and one pound of vegetables. Those whose sentence admitted of it, or from the nature of their infirmities, I kept at work in the gardens to raise vegetables; it was beneficial to their health. At supper they had eleven ounces of bread and a pint of coffee. But those proportions were to be subject to modifications, according to the issue of maize, meal, or sugar, as might be convenient for the Commissariat to issue. Sometimes they got sugar in lieu of a part of their flour, or a part of their meat.

130. In fact they had as much as they could eat?—Yes, generally speaking; and then again I had it in my power, as Commandant of this station, to draw; for instance, if you have 1,000 men on the settlement, there was 1,000 rations issued daily, and the Government allowed you to draw 100 in addition, as a remuneration to the men who conducted themselves well, or did extra work for the Government. There were some men who had families there, and behaved well; I used to let them work after their Government hours, and those men I paid with something to eat or drink. I sometimes allowed such men to work for officers.

131. Was there any allowance of beer or spirits?—No; no spirits were allowed on the settlement except to the officers, and that under a permit.

132. What constituted the severity of the punishment to this second class?—They were kept equally at work, but not in those heavy irons.

133. Are you of opinion that their situation was much more irksome and severe than that of a convict in the service of a settler?—That depends altogether on who the settler was; there is such a vast difference in the settlers.

134. Or than those employed upon the Government works at Sydney?—Most certainly. They are excluded from all communication with the other parts of the country. The settlement itself is a kind of prison; they are marched out of their barracks and their huts with a constable to work, and then to march back again; and that must be disagreeable to their feelings.

135. But those classes who do not work in irons are not confined to their barracks?—It did not follow that every man in barracks was in irons; but if not confined to barracks, they are to the settlement.

136. What is there to prevent them from having communication with persons out of the settlement after working hours?—You cannot prevent them talking together; but there are no other persons in the settlement, except a few of the free settlers.

137. What is the difference between their condition and the condition of a settler up the country?—A man in that service was not under the same controul; very likely was not working so hard; and altogether they have more recreation and amusement.

138. To what motive do you attribute a person going into the bushes?—To get into the free part of the country.

139. Is it not when they are stinted for food that they do it?—No, I have never found that it was; they had as much as they could eat; and I have known three hundred prisoners to be in the bush; in fact, I had to go out with my company and oppose force to force. They also ran from constant work, and the strict discipline kept up on the settlement.

140. Do you think that it might be advisable, and would tend to the prevention of crime in this country, if convicts on their first arrival at the settlement of New South Wales were, as a punishment for crimes committed here, subjected to such treatment as you have described the convicts at Port Macquarrie?—I think if in this country a man had heard before he was transported, he would be worked in irons on his arrival in New South Wales, it would deter him from committing crimes in England; but in New South Wales, when they are there for a year or two, a determined bad character would prefer working in the Government gangs than with a free settler, because there is a degree of morality where the settlers conduct their affairs properly, as many do, and they are not liable to come into contact with so many bad characters there, as they would in Government gangs. By putting a man into such a gang instantly on his arrival, it would most likely destroy the hopes of moral improvement.

141. Might not that be avoided by having a distinct gang of convicts newly arrived, so that the convict working in the gangs would be associating with the

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persons he had made the voyage with?—Yes, it might prevent them getting into contact with the other people; but it must be done at a great expense, and would scarcely succeed.

142. Could they be profitable to the Government, employed on the roads?—When I am speaking of the gangs, I am speaking of gangs employed in various ways; some of them are working upon Government buildings, and assisting tradesmen and others in felling timber.

143. You stated it would be attended with considerable expense to put them into road gangs in the way suggested?—To have a separate establishment for each class, would be attended with considerable expense.

144. Do not several hundred convicts go out together?—Yes.

145. Might not you take them and put them to the same severe labour away from those who had preceded them, and work them there for any given time, according to their sentence in this country, and after having made them undergo this severe punishment, transfer them to the settlers?—I understand what is meant, and it is possible that they might be so worked; but there would be a difficulty in keeping them from getting in contact with the other horrid scoundrels there already, who are up to all the bad plans of evading the Government and the law there.

146. Do you not think that that danger would be more than compensated for, by deterring from the commission of crime in this country?—Most undoubtedly it would tend to deter from crime in this country, but it would be very much against New South Wales.

147. Do you not think it would make a great deal of difference in the moral habits of a man, being placed in a family where he would be treated as a servant, according to his good behaviour, and that every day his treatment would depend upon his behaviour, than being placed with gangs of notoriously bad characters working under the Government?—That was my idea, when I said working with gangs would destroy their morals. However, the severer the punishment held out here on arrival in New South Wales, the more likely it is to deter crime in England.

148. Do you think that, generally speaking, there is much reformation takes place in the convicts after a residence in New South Wales?—A great deal depends upon who they are assigned to when they go out; if it is possible to improve them, that improvement will be most likely if assigned to respectable settlers on their arrival in the Colony.

149. Is it done?—Yes, certainly; in some cases this is the best chance of improvement.

150. Do you see many instances of reformed convicts?—Yes, I have had them as my own servants for years, and I never had better servants or honester; but there is no doubt that they commit crime in this country in order to go out to New South Wales, fancying it is an easy life there; but it is by no means the easy life they imagine.

151. Supposing a servant is treated in a manner that would induce the Governor to believe he was not sufficiently severely punished for the offence he was transported for, is it not in the Governor's power to remove him from the service he is employed in, and place him in the condition he thinks proper, so that he shall be duly punished?—At one time in New South Wales the Governor was a very absolute sort of person, but I think he has not that power now. I think that the settlers imagine when a man is assigned to them, it is not in the power of the Governor to take him away. So far as my knowledge of the Colony goes, they ought to have that power. I have done it myself as a magistrate, but my power to do so was questioned, and a complaint made against me for doing it.

152. Does any thing suggest itself to you that might be done with a view of improving the penal settlements?—I think the great misfortune of penal settlements is, that they are constantly changing their officers; for they change them with the regiments that leave the Colony; and I do not know that there was any system laid down. A great deal depends upon the men appointed to those places whether the punishment is severe or not.

153. Out of the number of persons sent over to New South Wales for a limited space of time, seven or fourteen years, do many find their way back to this country?—It is almost next to an impossibility their coming home, unless they have friends, or a man is a sailor who can work his passage home, or get home as a gentleman's servant, or that they have funds to pay for a passage.

154. With regard to the persons who are generally transported to penal settlements, ought they not to be persons who have committed some offence since their being

being in the Colony, or should a free settler who goes out there, never having committed an offence there, be sent to a penal settlement?—I know it has been done, but the legality of it has been questioned. I have known free men sent down to this penal settlement, but there was always a question whether it was legal; but I had nothing to say to the legality of it.

155. Do the persons sent to a penal settlement get back, at the expiration of their term, to the parent settlement?—Yes, they are sent up by the Government vessels as their time expires.

156. Do you give notice that So-and-so's time has expired, according to his sentence, and get him remitted?—The Commandant generally writes a letter, so many prisoners by such a vessel, and sends the sentence that came down with them enclosed in this letter.

157. Therefore, if a person being transported to a penal settlement is detained longer than the sentence of his transportation, the fault lies with the Governor, to whom the notice ought to have been sent?—Yes, unless he has committed a fresh crime.

158. There is no instance of a man having been sent to a penal settlement for three or four years, and yet not being able to get away at the termination, because the Government did not send him back?—It may happen that a prisoner may stop a short time after his time has expired, for the want of a mode of conveyance; but I do not think a Governor would be justified in keeping them there after that. I never consulted the Governor on the subject. Whenever a man's sentence expired, I sent him up as a matter of course, as far as I can recollect.

159. You had the entire power in the settlement; there are no magistrates you were obliged to consult?—There is only one magistrate; and, in fact, in the constitution of a penal settlement, too many persons to administer justice would not be desirable.

160. In the Colony itself, every number of stripes or other punishment is obliged to be recorded?—Yes; I kept a book, and every man's punishment was put down just the same; but a great deal depends upon the character of the man stationed there as the Commandant, whether, in fact, he is a man of business.

161. Is there any code of regulations for the management of a penal settlement?—No, there was none when I left there.

162. Had you any reason to suspect, previously to your having settled the Colony, and put it in order, that persons were more severely punished without the sentences being recorded, than while you had it?—I believe that many men were sent down for trifling offences; but I do not know that I can call any case to mind where a prisoner was punished unnecessarily by my predecessors; indeed, from their character, I should say not.

163. Was there any other responsible person in the settlement but yourself?—No, I was responsible to the Governor, and the common law of the country.

Allan Cunningham, Esq., called in; and Examined.

164. HAVE you visited at any of the penal settlements?—Both Moreton Bay and Norfolk Island.

165. When did you visit Norfolk Island?—I went there in May 1830, and remained till September.

166. In what state did you find the settlement with respect to the condition and the moral character of the convicts?—They were in a state of good discipline; there were occasionally ruptures at Norfolk Island, but they were put down, such as attempts to escape; to effect which the convicts had built boats in the more brushy parts of the Island.

167. Were you there in any official situation?—As His Majesty's Botanist.

168. Did your speculative pursuits leave you much time to pay attention to the state of the convicts?—The Island was so small, that any thing going on I saw it at once.

169. How were the convicts treated?—Severely, but not unnecessarily so.

170. Were they divided into classes?—Yes; some in irons, and some not in irons, according to their sentences.

171. Those working in irons, how many hours a day did they work?—From day-light till sunset.

172. Were there very severely worked?—No, I think not inconsistent with the place as a penal settlement.

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173. Did it affect their health or not?—No; there were always some in the hospital, weakly men with bowel affections, and so on.

174. At the termination of their labour for the day, what was done with them?—Each gang was mustered by the overseer, who conducted them to their quarters.

175. Were they barracks?—No; merely grass huts, roomy huts. The great work going on was the barrack.

176. They are all in the employment of the Government?—Yes; it is a penal settlement.

177. Did those men who were working in irons appear in a state of desperation and despair?—Some few of them were very desperate.

178. Did you ever hear of any murder committed with the view of being sentenced to death, in order to be relieved from their state of labour?—Yes; murders have been committed since I was there, in order to be sent to Sydney to be tried, rather than drag on a miserable state of existence on the Island, and perhaps with some little feeling towards the individual murdered, as was the case with an overseer.

179. Was there any suicide committed?—Not while I was there.

180. Were the convicts in a state of the most horrible demoralization?—Not that I heard of.

181. Were any unnatural crimes committed?—I do not believe there was; there were reports circulated in the Colonial prints formerly, but there was no instance brought forward.

182. You never heard any very well authenticated case?—There was one vague report of the chief constable having a communication in an unnatural way with some convict, but it was a mere malicious report; and the Commandant was so satisfied of it, he never brought the case forward.

183. If such practices had been prevalent, would you not have heard of it from the Commandant?—Yes, from every one; and the individuals would have been brought forward.

184. How long had the Commandant been there?—Twelve months.

185. You never heard any thing from him of that kind?—No; nor did he believe it.

186. It depended upon the assertion of those convicts?—Yes. I was there from May till September, and I firmly believe that no crime of that character was committed. It must have been spoken of; for as the convicts had not confidence in one another, they would have told immediately.

187. What was the result of the inquiry?—There was no inquiry; for the Commandant was so satisfied of its being a malicious report, that he did not hold a bench, or bring it forward. The man was considered an honest man, and a good man, and did his duty; and it was not to be wondered at, where a man did his duty, that men of bad character should trump up some story of that or any other description, to his prejudice.

188. If the report originated merely in the convicts themselves, how is it possible that a report originating with them should get to the Commandant's ears?—I do not recollect how it got to his ears, but every thing is heard in such a small place as Norfolk Island.

189. Is it your belief that this unnatural crime was at all prevalent in the Colony within the last ten years?—I do not believe it was. During my residence there, I frequently put the question to the civil officers, whether it was their belief that it had been carried on, or whether there was any truth in the report spread abroad through the local prints; the crime might have been committed once or twice in the course of ten years, but I do not believe that it was common, nor was there any foundation for those reports circulated through the papers, particularly The Monitor, a most scurrilous paper.

190. The convicts of the worst character all worked in irons?—Yes.

191. The next class not?—Only upon one leg.

192. What is the case with those persons who are not in the worst gangs; are they shut up in the barracks at night?—Yes, in the same line of barracks; the accommodation is the same to each.

193. They are not their own masters after the hours of labour?—No; there are sentries placed near them, besides extra constables patrolling about every hour.

194. The punishment they undergo there is very much dreaded?—Yes; it answers the purpose in every way as a place of punishment.

195. Do you think that it has a tendency to demoralize convicts by mixing with the

the worst characters?—During my residence at Moreton Bay, I thought it would have been better to have classified them; not that they were good men, but men who would have improved their minds, had they not been contaminated by being mixed up with convicts of the worst description.

196. How long were you in Moreton Bay?—I was there in the winters of 1828 and 1829.

197. Was there any code of regulations issued by the Governor for the government of Norfolk Island, or was it left to the discretion of the Commandant to make such regulations as he pleased?—I believe the Commandant had some general instructions upon his going there; but I cannot speak to it from my own knowledge. I had no access to his office.

198. The Colony appeared to you to be in a good state of order upon the whole?—Yes; now and then there would be reports of the intentions of the convicts at Norfolk Island to rise in the middle of the night.

199. Are any females allowed to go there?—Only as servants to the married officers.

200. Were there many there?—I think less than a dozen.

201. What number of convicts were there?—Between 300 and 400.

202. Do you know any person who was a free settler in New South Wales having been sent for a first offence to Norfolk Island?—I do not recollect an instance of it.

203. Do you believe such things occurred?—I have no recollection of the kind. I cannot now call any instance to my recollection.

204. To the best of your recollection you never heard such a thing talked about?—No.

205. Had you made any long residence in New South Wales previously?—From the year 1816 to 1830.

206. What is the extent of Norfolk Island?—About six miles long by two and a half wide.

207. What is the climate?—Very mild indeed; during the depth of winter there was a great deal of rain, but no frost; the thermometer was ranging between 60 and 65 during the winter months.

208. Is the climate healthy?—Yes, in the summer time; but it did not agree with me in the rainy weather.

209. Is the soil fruitful?—Very much so.

210. Does the labour of those convicts at Norfolk Island return any thing?—That is not the object: the object is punishment.

211. Suppose a convict has to undergo a sentence of punishment; before whom is he brought?—Before the Commandant.

212. Is there any other authority in the Island?—There were other magistrates at Norfolk Island; but at Moreton Bay the Commandant was the only magistrate.

213. Is the charge recorded?—Yes; and the evidence is taken down.

214. You never knew an instance of a person being punished without that being done?—No.

215. What number of persons could be accommodated at Norfolk Island?—The barrack which was building whilst I was there is, I believe, completed; and it was calculated to hold 600 convicts.

216. Was it constructed upon the principle of solitary confinement?—It is a long building, with two wings, and a wall round about it of eighteen feet high.

217. Are there cells for each person?—No, long rooms to hold sixty or more persons.

218. Do the constables sleep with them in the same room?—I believe not.

219. The convicts sent to Norfolk Island are of the most desperate character?—Yes, they are; Moreton Bay is for persons whose sentences are for two or three years; whilst Norfolk Island is the place to which convicts who are sentenced for long terms, and even for life, are sent.

220. Do they ever get into the bush at Norfolk Island?—They have run off; but as every part of the Island is well known, they have been soon taken and brought back.

221. How many soldiers are stationed at Norfolk Island?—About 100 soldiers, under the command, whilst I was there, of a captain and two subalterns.

222. How are they supplied with provisions?—The supplies come from Sydney; there are about 15,000 acres, and nearly the whole of it might be cultivated.

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223. At the expiration of the sentence at Norfolk Island, is there any means of conveying them back?—Yes; the return of the vessels bringing convicts there.

224. Do they raise enough for the food of the convicts?—No, they do not; but they might do so.

225. What distance is Norfolk Island from the main land?—About 1,000 miles.

226. Escape is hopeless?—An attempt was made by means of a boat, with which eleven men escaped from the Island, who, having stood before the wind to the S. E., it was supposed their intention was to go to the North Cape of New Zealand; but the general opinion was, that the boat could not live through the first night, as a gale of wind was blowing at the time.

227. Were they ever heard of?—No; they must have swamped at sea.

228. How are the convicts employed on the Island?—Cutting timber, quarrying stone, burning lime, building the barrack, and forming roads on the settlement.

229. Could they be employed more beneficially?—They could cultivate more land certainly, and that is hard work, for no ploughs are allowed; but the preparation of the ground is done by the hoe.

230. What is chiefly cultivated there?—Wheat, maize and some millet, besides vegetables.

231. The soil would produce almost every thing?—It is very rich.

232. Is the Island pretty clear?—No, it is thick bush, except where it is cleared for cultivation, or roads formed.

233. Is there a good harbour?—No, it is an open roadstead, and an iron-bound coast; it is only in fine weather you can get ashore. I have been waiting a month to get away to a ship that was waiting for me.

234. How long has Norfolk Island been employed as a penal settlement?—It has been re-established since 1824. It was formerly occupied, but was abandoned, I believe, in consequence of the difficulty of landing, and the loss of the Sirius, one of His Majesty's ships.

235. Do the convicts in New South Wales generally contemplate the prospect of being sent to Norfolk Island with great terror?—Yes; and to Moreton Bay too.

236. You cannot conceive a more effectual punishment than that?—No, certainly not.

237. How long were you at Moreton Bay?—From May till September in the years 1828 and 1829.

238. Is the system pursued there the same as at Norfolk Island?—It is more severe; the labour is heavier, and it is much warmer in the summer months.

239. Are women excluded from Moreton Bay?—There were about sixteen women.

240. How many convicts?—Between 900 and 1,000, in 1829.

241. What is the greater severity of labour there owing to?—To very laborious occupations in which the convicts are employed; such as clearing heavily timbered brush-land, quarrying stone, hoe-husbandry, &c. in a warmer climate.

242. Is it dependent upon the Commandant?—Yes; the late Commandant, Captain Logan, was a very good disciplinarian, and I do not doubt that Captain Clunie, of the 17th, has followed up the same course of discipline.

243. A great deal must of necessity depend upon the Commandant at those places?—Yes, a great deal is left to him.

244. You think the labour is more severe at Moreton Bay, in consequence of the strictness of the Commandant?—Yes, and the labour is more severe; the nature of which, I have already briefly stated.

245. Is not Norfolk Island calculated by nature to be a greater punishment than at Moreton Bay?—Yes; as the difficulty of escaping from it is very great.

246. You were understood to say, that Moreton Bay was a place for minor offences, or for persons whose sentences are for short terms?—Yes.

247. Is that an accidental circumstance, or the established rule?—It is the established rule.

248. What is the nature of the crimes?—Robberies chiefly.

249. When they undergo corporal punishment at these penal settlements, through whose directions is it inflicted?—They are brought before the Commandant, the evidence is taken down, and the man is then sentenced by the Commandant to a certain punishment.

250. He has the power of inflicting summary punishment?—Yes; he is a magistrate.

251. What distance is Moreton Bay from Sydney?—Four hundred and sixty miles.

252. Do you think that in general a person, after he has served out his time, is almost always, according to the orders of the Commandant, sent back to the original settlement?—I believe so; I never knew a passage refused to a man when he demanded it, and his term of transportation had expired.

253. You never knew a man sent there for two or three years who remained there for life, because the Commandant would not send him away?—No, I never heard of such an instance. I have been there twice, and whenever a man came forward and said, "My time is up," a passage was ordered him, upon its being found upon an examination of the records to be so.

254. At the expense of the Government?—Yes.

255. You cannot define very particularly the difference between the treatment at Norfolk Island and Moreton Bay?—On one occasion a man at Norfolk Island, a very bad character, received 75 lashes, which was, I believe, considered an unusual thing. Punishment to such an extent was, however, common at Moreton Bay. It was necessary for the Commandant to act with great determination in order to govern so large a body of desperate men.

256. Did there appear to you to be any unnecessary severity used?—Not in the least.

257. When the irons have been taken off, as an indulgence for good behaviour, were they put on again if any occasion arose for it?—Certainly.

258. How long has Moreton Bay been established as a penal settlement?—I think in 1824 or 1825 the first convicts went there.

259. From what you have observed of the convicts generally, are you of opinion that those two settlements operate as a check to crime in the Colony of New South Wales?—Yes, I should think so; although the numbers transported do not decrease. When I left the last time, which was in September 1829, there were between 900 and 1,000 convicts there; and I believe that number has been increased by 200, perhaps, although no doubt many have left from their term having expired.

260. Has not the total number of convicts in New South Wales considerably increased during that time?—Yes.

261. Do you know what the rations were at Moreton Bay?—I do not recollect the quantity. The food was partly vegetable and maize meal, made into a sort of homaney.

262. Are they allowed any meat?—Yes, a few ounces of meat boiled; but it was boiled to that degree, that only an ounce or two comes to each convict; the food was barely sufficient to support animal life.

263. And yet they were healthy?—Not very.

264. Homaney is nutritious?—Yes; but the ration of it, with little meat, was but a small one.

265. What was the average number of persons in the hospital at the time you were at Moreton Bay?—Fifty, I think.

266. Did the quantity of food depend upon the Commandant?—No, it was the quantity ordered.

267. Was the quantity sufficient at Norfolk Island?—Yes it was, as the labour there was not so severe. It was the cool season of the year, and there were not above twenty people in the hospital.

268. Do you consider maize much less nutritious than wheat?—I have no opinion to offer on that subject. It is a harsher description of food, and not so palatable.

269. Is not maize a food extremely disliked by the convicts?—Yes, it is; they would rather eat a preparation from wheaten flour.

270. Did you ever hear of persons escaping from the settlement, alleging the scantiness of the food as one of the causes for their doing so?—No, I cannot say that; the maize is only put coarsely through the mill.

271. There are different descriptions of maize?—Yes; but it is the meal of the common sort that is used.

272. Do you know whether the convicts who work more than others, or who are more attentive, receive any particular privilege at Moreton Bay?—If a man is seen to be industrious, and a quiet well-disposed man, he is relieved from work by being made an overseer over a gang of men.

273. Has he generally more rations?—When he is made an overseer, he may receive

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receive a little more; but he gets into a little house by himself, away from the rest of the men, who cannot then rob him.

274. Are robberies of that kind frequent among the convicts?—Yes; they frequently rob each other at night, or other periods.

275. Are they not certain of being re-captured, when they escape from the settlement?—No; I am speaking of Moreton Bay, and not of Norfolk Island.

276. You have stated there are great facilities for escaping from Moreton Bay; are they not generally re-captured?—No; but very many of them have come back again, and given themselves up to the Commandant, though they knew he would flog them; because they have been in a state of starvation, and were fearful they would be killed by the natives. After being out several months and living on fern-roots, they have come back in a state of starvation.

277. Cannot they catch the kangaroos?—You cannot catch them without dogs; you cannot run them down.

278. How far are they from any other settlements?—It is nearly 300 miles to Port Macquarrie.

279. Has it ever been known that any of the persons who have escaped have been found to live afterwards with the natives?—Yes; there have been instances of their having gone away to the northward, which is an extraordinary thing, instead of going southerly to the Colony, and they have lived with the natives. There was a man of the name of Mitchell, who was out for two years; he got tired of that sort of wandering life, and came back again, having travelled along the coast to the tropic.

280. Is there not a general hostility on the part of the natives towards convicts now?—Yes, there is now.

281. To what is that hostility owing?—To liberties having been taken with the women by the convicts.

282. Has the native population diminished in the Colony?—Yes; you do not see so many of them in the streets of the towns as formerly.

283. At what number do you estimate them now?—I cannot form any calculation.

284. Have you any certain knowledge of any case that would induce you to suppose that any convicts, if they escaped at this time from Moreton Bay, would be treated badly by the natives?—I should say that they would. There was a military post fixed at a river, to prevent the escape of runaway convicts southerly. When they escaped from Moreton Bay, they struck across the country and got to Point Danger, where the river intersects the coast; they had to swim that river, and on the opposite bank the military were stationed. There was a rupture with the natives, and the soldiers had to retire, and since that period the natives have, I believe, been particularly hostile.

285. Was there any particular act of hostility committed afterwards by the natives?—Some Pine and Cedar gangs employed near the spot had to retire, as the natives attacked them also, and obliged them to leave that part of the country, and make the best of their way to the settlement.

James Busby, Esquire, called in; and Examined.

James Busby, Esq.

286. HAVE you ever visited the penal settlements of Norfolk Island or Moreton Bay?—No; I was employed at Port Macquarrie in the year 1828 as a Commissioner of Inquiry, in conjunction with Colonel Morrisset, who is now Commandant of Norfolk Island. This [*producing a paper*] is the 6th Section of a Report we made to the Governor of the Colony. There was afterwards a Board appointed, of which I was a member, to draw out a code of regulations for the general management of penal settlements. The regulations recommended by the Board are now, I believe, with some slight modifications, in force at Moreton Bay and Norfolk Island. The Board was appointed to inquire into certain alleged abuses, and to suggest any improvement in the mode of management that might occur to them.

287. Has a code of regulations been established upon your Report for the general government of penal settlements?—Yes.

288. Is it acted upon?—I believe so. It is principally founded upon our Report, but was sent home to the Secretary of State for approval, and, as I have understood, was adopted with slight alterations.

289. Previous

289. Previous to the year 1828, was there any code for the government of penal settlements?—I do not know of any. Instructions were from time to time conveyed to the Commandants, but almost the whole management was left to their own discretion.

290. When was it you left New South Wales?—In February last year.

291. From all you can learn, do you understand that the system of discipline followed at Norfolk Island and Moreton Bay is such as to inspire very great terror in the minds of the convicts generally?—Yes, I consider the discipline, both at the one and the other, to be very efficient.

292. Does it in fact deter from the commission of crimes?—Yes, there is no doubt that the dread of being sent to these settlements does so operate, if, indeed, any punishment could have this effect upon the minds of many of the convicts.

293. You know nothing individually either of Moreton Bay or Norfolk Island?—No, nothing individually.

294. Did you ever converse with any of the convicts who had been at Moreton Bay or Norfolk Island?—No, not with the convicts: I have a brother who was stationed as medical officer at Norfolk Island for two years, and also for a short time at Moreton Bay; and I have had a good deal of conversation with him upon the subject.

295. Do you know any instances of free settlers, who had committed offences in the Colony, and been sent to penal settlements by way of punishment?—Yes, I have heard of such instances; I mean of persons who had never been convicted in England. The case I remember at present was the case of a native of the Colony. It was a person named Davidson, the son of a very respectable man he was sent there for cattle-stealing.

296. Was it a very aggravated case?—Yes. Great interest was made to save him from being hanged, on his family's account; but I always understood that it was an extremely aggravated case.

297. Was the punishment greater than the offence deserved?—In that case, certainly not.

298. Have you heard of other cases where the circumstances were not so aggravated?—I have heard of other cases, but I do not recollect the circumstances of any individual case; my impression is that I must have heard of other cases, but this is the only one I recollect.

299. Would it have struck you as any thing very astonishing if a free settler had been transported to one of those penal settlements, having committed the same offence for which a convict would be sent to New South Wales?—Convicts are transported to the penal settlements for various classes of offences. There are convicts transported for offences which I do not think would be too severe as applied to free settlers; but they are also transported for offences for which free settlers never would be transported upon the first conviction. The punishment applies to many grades of crime.

300. What punishment could you inflict upon a free settler, except sending him to a penal settlement?—I do not know of any.

301. Could not you sentence him to a period of servitude in the service of another settler, in the same manner as you do a convict?—I do not think, in that case, it would be an equal degree of punishment. I recollect having heard of a case of an individual convicted, and assigned as a servant to a relation of his own; it was in fact no punishment at all.

302. There are certain offences, which if a convict committed, he would be sentenced to be transported to one of those penal settlements, for which a free settler would not be sent there?—Yes.

303. What punishment would be inflicted upon a free settler in that case?—I have not been very conversant with the different kinds of punishment; but free persons are dealt with according to the laws of England.

304. Is the punishment of the free settlers attended with great difficulty?—I do not know of any other mode of punishment for felonies than transportation to one of the penal settlements, except the punishment of death.

305. Supposing a person committed in New South Wales an offence, for which he would be transported to New South Wales for fourteen years if he had committed it here, what punishment is inflicted upon him there?—I believe he would be sent to a penal settlement, after having been tried and convicted before the Supreme Court; but two of the magistrates have the power of sending a convict to a penal settlement for the term of three years.

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306. Of what class of persons are the magistrates chiefly composed; are they chiefly officers, or free settlers of respectability?—Chiefly free settlers of respectability. Many, I think I may say the majority of them, have been officers in the Army or Navy, who have settled in the Colony.

307. Not officers on actual service?—There are also stations, where the officers on actual service act as stipendiary magistrates.

308. But the majority of them are not officers on actual service?—No, they are not.

309. The officers are only employed as magistrates in districts where there is a deficiency of respectable settlers?—Yes, I believe that is the case.

310. You are speaking of stipendiary magistrates?—Yes, of military officers.

311. Has he any addition to his pay as an officer?—Yes, he has an addition to his pay.

312. Does the settler receive any allowance for the performance of his duties as a magistrate?—No, he is chosen for his respectability, and is on the same footing as unpaid magistrates in England.

313. Is there any difference in the punishment of a convict convicted before a Judge, and his punishment if convicted before a magistrate?—That depends upon the character of the offence. It is discretionary with the magistrates, excepting in aggravated cases of felony, either to deal with the cases summarily, under the jurisdiction given them by a local Act, or to send them to a higher court.

314. Can a magistrate inflict the same punishment upon them that a Judge would?—No; the amount of punishment they can inflict is limited and defined by the Act above alluded to.

315. Could a magistrate send a settler to a penal settlement?—No; the Act gives two or more magistrates a certain summary power over convicts; it does not apply to free settlers.

316. Could a magistrate send a convict to a penal settlement?—Not one magistrate; the power is given to two or more magistrates, which constitute a Sessions.

317. Without in fact ever being brought before a Judge?—Yes.

318. For what length of time can a session of magistrates send to a penal settlement?—I think for three years.

319. They have of course no jury before the magistrates?—No; it is merely a summary jurisdiction.

320. Is a jury employed at all in the Courts?—Yes, in criminal cases, a jury of officers; and in civil cases the Judge may grant a Special Commission Jury, if he should see fit, on the application of either of the parties to the suit.

321. Do you know of any cases where persons have been punished without their punishment being recorded?—I do not know of any. I believe there was some clamour raised on this subject in 1823, at the time I first went to the Colony, and that some investigation was ordered; but I have no distinct recollection of the subject.

322. Have you any reason for knowing that the press is under the paid influence of the Emancipist party in the Colony?—No; what I stated in my former examination merely had reference to the indirect influence which the tastes and opinions of the majority exercise upon the conductors of the public press.

323. What is the average number confined in the female factory?—I find a difficulty in replying to that question. I should say from 400 to 600; but I rather think there are official Returns of the numbers in the Colonial Office. I can only speak from general recollection.

324. Do you know how it is managed?—I consider it to be as well managed as it is possible for such an establishment to be managed. I went through it before I left the Colony.

325. Under whose control is it?—The person who takes the most active part in it is the senior Chaplain of the Colony, Mr. Marsden. There is a Committee of civil officers, part of whom attend once a week; but the Chaplain and Superintendent of Police at Paramatta have the principal management of it.

Jovis, die 16° *Februarii*, 1832.

Captain *Basil Hall*, R.N., called in; and Examined.

Captain *Basil Hall*, R. N.

16 February, 1832.

326. HAVE you visited any of the prisons in the United States?—I have visited a great many in twenty-one out of the twenty-three different States.

327. Have you visited the new prison at Auburn?—At Auburn, at Sing Sing and at Hartford the new system of penitentiary discipline has been introduced; all these I examined carefully.

328. What is the system of discipline observed in those prisons?—The essential part of the system is solitary confinement in separate cells at night, hard labour in company and in absolute silence during the day. The convicts take their meals also in solitude, and in their cells. The work of every day begins by the clergyman of the establishment saying prayers from a situation where he is heard by every prisoner, each one being still locked up in his own solitary cell. The prison at Sing Sing, near New York, is so contrived that there are four rows of cells, of 100 each. These rows lie above one another. Every cell is seven feet long, seven feet high, and three feet across, with an iron door to each, the upper half of which consists of an open grating. Those rows of cells may be described as being a sort of pigeon-holes upon opposite sides of a very thick wall, so that their appearance is not unlike that of ranges of binns in a cellar. This internal building, or wall of cells, is enclosed within an outer wall or case, with a roof to exclude it from the elements. The outer wall is furnished with a sufficient number of windows to light up the cells on both sides. I have reason to believe that this is the cheapest sort of building which has yet been devised for a prison. A narrow stone gallery runs along each of the 100 sets of cells, the whole being fire-proof. It may be worthy of notice, that no wood at all enters into its construction in the best gaols in America. The locks and bolts of the iron doors of the cells in the prison at Sing Sing are now so contrived, that the whole 100, which stand in one line, can be opened or locked by merely turning a bar at the end of the passage.

At daylight in the morning the prisoners are roused up by the keepers, after which the clergyman says prayers. I may mention, that the Americans have found it highly advantageous in their gaols to have a chaplain as a part of the permanent establishment, and that even the gaolers and other persons connected with the penitentiaries, who in the first instance were most averse to the interference of a clergyman, came eventually to admit that he was one of their most valuable allies in the establishment of good discipline.

When the doors are unlocked, the prisoners all step out of their cells at the same moment to the gallery, bringing in their hands their night buckets. When one set of a hundred men have been thus assembled in front of their cells, a signal is given, upon which they close up so as almost to touch each other; and at a second word of command, they march along the gallery with what is called the lock-step, every thing being conducted with the utmost regularity. In coming to the outer court they put down their buckets, which are afterwards carried off by convicts appointed for the purpose, to be washed and replaced ready for the convicts to return to carry back to the cells. They are now marched to different parts of the court-yard or to the workshops, where they are set to labour, some at cutting stones into slabs, or shaping them for building, others at making shoes, or cooper's work, iron working, and some tailoring. In those workshops the most perfect silence is preserved during the whole of the day. No superintendent has charge of more than thirty men, nor fewer than twenty. In those workshops the men are placed on benches, and all made to look in one direction, so that no man can look in another's face. The superintendent is generally placed on a high seat at the end of the room. After two or three hours, according to the season, the convicts are marched back to their cells in the same order. On coming opposite to their cells they find their breakfasts, which consists of a mess of Indian corn, in kids or wooden bowls; these they lift up by signal, and, upon another signal, they all turn about at once, pull open the doors of their cells, march in, and close the door. The bar being now turned, the bolts fall down, and the men are all locked up. Thus they eat their meal in solitude and in silence. After twenty minutes, they are again marched out to work, and after several hours of silent labour, back again to dinner, at which time they

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they are allowed, I believe, an hour. This meal also they take in solitude as before, and without a single word being spoken; so complete, indeed, is the discipline, that I have myself attended for nearly a whole day in one of those prisons, without having heard one word or seen the exchange of a single look of intelligence. The punishment for infringing this is a blow with a cane. The superintendent, under the general directions of the principal gaoler, has the power, when a convict makes use of a word, to give him for that word one blow. I never saw this power used, and I believe that this system of corporal punishment is very effective, in preventing as well as in punishing offences against the prison rules.

329. How do they march to the work-room, so as to preserve perfect order?—They march in what is called the lock-step, so that their feet move together, and much closer than soldiers move. They first form in a line along the gallery after coming out, with their backs to the cell doors, and upon a given signal they wheel round, so as all to look the same way. Then they close up as near as they can muster together; a superintendent watches them closely, to see that they do not speak to one another. The word is then given to march, and they all move forward.

330. Do you think they can effectually prevent the interchange of words while they are doing that?—The best informed prison officers, with whom I conversed, believe so, and I myself did certainly not detect any interchange of looks or words at those times. The same system is observed during the whole day. They are locked up about sunset, when prayers are again said. During the night the most perfect silence is observed. There is one superintendent on each side of the prison, whose feet are covered with mocasins, or soft shoes without soles, so that his tread is not heard at all. Mocasins are Indian shoes, of a degree of softness like that of velvet, and this gives the superintendent the power of going to any one part of the prison without the possibility of the convicts knowing where he is. He can also pass from one part to the other altogether unobserved. I have tried the experiment in the prison of Sing Sing, where there have been several hundred men confined at once, and have directed a superintendent to go into a distant cell and whisper; I have heard the words from the centre of the prison with perfect ease, and have myself tried the experiment of repeating words, which he has recognized, at a considerable distance. I merely mention this to show, that the superintendence, as far as silence is required, is quite complete by night as well as by day.

331. What is the punishment for infringing that rule?—The only punishment is flogging, as a matter of prison discipline; no part of the punishment to which the convicts are sentenced consists in that. The degree of severity varies a good deal in different prisons; the superintendent being obliged to report every lash, and to detail the circumstances of the offence and its punishment. When severity, beyond a single blow, is required, the offender is called out on the floor in front of the cells, and the offence being publicly stated, he is punished before the others. If any person is found speaking at night, he is punished the next day. In the work-rooms, the superintendent, as I have mentioned before, is placed generally on a high seat, but he also goes about amongst them, to see that the work is correctly performed, and to instruct them in their business.

332. Is the superintendent a convict?—No, they are all men of good character, and at a considerable salary. There is a most ingenious device at a prison at Auburn, which I believe is now adopted in the other prisons of this description in America. A small dark passage runs on one side of each of the work-rooms, in which passage the head gaoler can pass at pleasure without being heard or seen. By means of small slits, however, three inches long and an inch wide, covered with glass, he has the power not only of seeing the convicts at work, but of watching the behaviour of the superintendents at a time when they can have no knowledge of being under any scrutiny. This method was described to me by the Governor at Auburn prison as being one of the most effective he had ever tried; the great purposes being to enforce silence and to prevent idleness.

333. You are aware that there is something of this kind in the Bridewell at Edinburgh; do you think the American contrivance is superior to that at Edinburgh?—Yes, I think it is very superior; for I remember observing the persons confined in the Bridewell at Edinburgh conversing with one another, and sometimes quite idle.

334. Are those working at out-door work under the same superintendence?—Yes, even closer; because the noise of the stone-cutting, and so on, makes it more difficult to watch them.

335. How

335. How are they placed at the work table?—At the work table they are seated on benches side by side, or looking towards the superintendent, who has his eye upon them.

336. With respect to the occupation to which a man is put, do they instruct him in the trade, or do they allot it to him in consequence of his previous knowledge?—I presume that if a convict had any previous knowledge of any particular occupation, they would allot that trade to him; but if not, they instruct him. They do not pretend to say that they can reform grown-up culprits; but while they punish them by compelling them to perform hard and disagreeable labour, they study to give them habits of industry, and force them to observe habits of temperance. In this way they hope that the convicts may be turned out not worse than when they entered.

337. Supposing a man goes there, and is ignorant of the trade of a tailor, is he instructed by another convict, or by one of the officers?—My recollection is, that those superintendents have the power of instructing them. It is generally simple work, not the difficult branches of the trade.

338. With regard to the chaplain, of what religion is he?—I think the greater number of those I saw were Presbyterians. In many of the prisons they were volunteers, and in some instances without salary; but the Governments of most of the different States were beginning to discover that the advantages of having a clergyman regularly attached to each prison were so great, that their salaries came to be considered as exceedingly well bestowed money.

339. Will you describe the arrangements with respect to the Sunday?—There is, of course, no work done on that day. Early in the morning there are prayers as usual. At the proper hour the vessels holding the men's breakfast are brought by convicts from another department of the prison, and placed at their cells; the doors are opened, the men step out, place their night buckets in front of the doors, take up their breakfast kids, return to their cells, and shut the doors, which are then locked. I ought to have mentioned before, that at the time and place when they deliver up their night buckets, on week days, there are vessels of water in which they wash their faces and hands, and then proceed to their work. All these operations are directed by signal, very much in the manner of the children at Infant and Lancasterian Schools. To return to the Sunday: after breakfast, prayers are said and a sermon read by the clergyman, who, it ought to be mentioned, is the only person connected with the establishment who has friendly communication with the prisoners; he is the only individual allowed to speak to them. Their friends are never admitted, nor, indeed, allowed to hold any communication by letter or otherwise. After the prayers and sermon, the clergyman goes round, and enters any cell upon hearing the prisoner request him to do so. Each cell is furnished with a Bible. In the prison of Auburn, indeed, this was found useless in some cases, as many of the prisoners could not read.

340. Is any other book allowed?—No other book or paper of any kind. Supposing, however, that these men could not read, still they might converse with the clergyman, who is the only person with whom they have any communication while in health. If a man complains of illness, he is instantly visited by a medical man attached to the establishment, and who is never absent. The patient is immediately removed to the hospital, if need be, or exempted from work, as occasion may require. But supposing him to be in health, the clergyman is the only person who serves to keep up a link of communication between him and the rest of the world, and that only on Sundays. In the prison at Auburn, as I have stated, it was found that many of the men could not read; and it was suggested, I believe by the clergymen, that a Sunday school might be beneficially established for the purpose of teaching them simply to read the Bible. This scheme succeeded very well at that prison: whether it has been tried in others I do not know.

341. Was that school conducted with the same guards as to communication?—Under the very same rigorous superintendence, so that there was no communication except that with the schoolmaster.

342. Had they a separate schoolmaster, independent of the superintendent?—The students of the Theological Seminary at Auburn volunteered to assist them. There were twenty of them who assisted under the superintendents, who are constantly present, to see that no communication takes place between the prisoners; and I rather believe this school was limited to persons under twenty-five years of age. One hundred and twenty-five convicts out of 550 were thus instructed in reading.

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The mid-day meal or dinner of Sunday is supplied in the same way as breakfast and eaten in solitude and in silence. On Sunday afternoon those prayers are again said, and another sermon read.

343. What does the dinner consist of?—It varies in the prisons; I think they have at least a pound of meat a day in all those prisons where hard labour is exacted from the convicts.

344. Is the work, generally speaking, hard?—Yes, it is certainly hard work; it is likewise unceasing, and appears to be irksome; but great care is taken that no man shall be over-worked.

345. Have they introduced the tread-mill?—They have introduced it in some places; but the Americans who manage these things, I do not very well know why, have a great repugnance to its use.

346. Do they consider it too severe labour?—They have a prejudice against it which I never could fully understand. I may mention, that the Sunday conversations with the chaplain are generally very much relished by the people; possibly from its being the only communication they have. In the invaluable Reports of the Boston Prison Discipline Society, some of these conversations are detailed at length. I beg leave strongly to recommend to the Committee the five Reports already published by the Boston Prison Discipline Society. They may be had from Mr. Miller, 13, Henrietta-street, Covent Garden.

347. Are the convicts allowed to receive any letters from their friends?—They are not allowed to receive any letters or papers of any kind whatever.

348. Do all the prisoners undergo the same species of imprisonment?—Yes, in the particular prisons under the Auburn system, there is always absolute solitary confinement at night, and labour in company in the day-time. All the prisoners I talked with seem to think that that degree of companionship, so far as labouring in company, though in strict silence, was necessary to preserve the degree of mental cheerfulness requisite in men placed at hard labour.

349. What are the periods of confinement to which they are sentenced?—Several of them for a good many years, but seldom above three years. They are sometimes sentenced for life; but the local Governments generally relent, and, after a time, the convicts are set at large. Absolute solitude, day and night, has been fairly tried in America, but it is now entirely given up in the United States. I may mention further, with respect to those communications with the clergyman, that it affords means to the gaolers, or to the Commissioners of the prisons, of conveying their general wishes to the prisoners, or any individual prisoner, in the most effective way; for the clergyman, supposing him to be a conscientious man, has ample opportunities of seeing the men when their minds are in a fitting frame for receiving instruction.

350. Generally speaking, were the communications with the clergymen of a religious tendency?—Chiefly so, of course; and in endeavouring, if the prisoners felt despair or utter desolation of spirits, to encourage them to right reflection, so that when they come out, they might look back, not without horror at the prison, but with satisfaction at the new habits of industry and temperance they acquired, and with profit to the religious instruction, probably for the first time afforded them. These are the clergymen's duties.

351. What, as far as you can ascertain, was the effect produced upon the minds of the prisoners by this system of punishment; was it a source of great terror to them?—I think on some culprits it did work a considerable improvement, but after a certain age the recommitments are almost certain; there appears to be a gradually increasing culprit population growing up in America, of which the legislature cannot rid the country. These men, who may almost be called the penitentiary population, run the round just as I have observed with respect to the Bridewell at Edinburgh; the same men come and go, round and round again.

352. Do you think then that the American penitentiary system is not effectual as a preventive to crime?—It may deter a great many others, but I fear that a confirmed thief is not to be reclaimed by any system of prison discipline in any country.

353. Have you ever heard any calculation made of the number of persons tried or imprisoned for the same thing, who had previously suffered imprisonment?—Yes, all those particulars are collected and arranged in the Reports of the Boston Prison Discipline Society.

354. Is there a particular dress in the prison?—Yes, there is. There is a very distinctive feature between America and England, which many people do not think of, but which it is important to bear in mind. The Americans have no place of banishment, and as most of the States have great repugnance to capital punishment, some of them almost an absolute objection, the consequence is, that they are obliged for the safety of society to lock up persons permanently, in order to defend the community from absolute murder; instead of banishing them, or hanging them, getting rid of them from the face of the country as we should do. I should be happy to be allowed to mention a suggestion which occurred to me on seeing the penitentiaries of America. Besides the motives arising out of the fear of the lash, which was the only effective weapon of discipline in maintaining silence in the prisons, I took the liberty of suggesting that there should be some motive of a more generous nature, and proposed to them that there should be a record or account current kept of good behaviour, and that a note should be made every day of the offences. If a man, or a set of men had passed so many days, say a week, without having excited the displeasure of the superintendent, one day should be cut off the period of his confinement; and that if he continued for a fortnight without fault being found with him, a week should be cut off his confinement; if a month, six weeks should be struck off; and so on, with a gradually increasing scale; the object being to let the convict out as soon as possible.

355. Are you aware that that principle is followed in this country; for instance, at the Penitentiary, that if persons conduct themselves well a certain length of time, after they leave the Penitentiary there are rewards given to them; also, that the prisoners at the Hulks have the period of their confinement shortened, if they conduct themselves with propriety; and that in the Colony of New South Wales, the convicts have tickets of leave, and other indulgences, if they conduct themselves to the satisfaction of the constituted authorities?—I was not aware of it.

356. Do not you think that is giving a great degree of power to the superintendent?—It does, no doubt, give him considerable power.

357. Do you know whether there is any provision made for the prisoners when they go out of the prison, by giving them any portion of the earnings of their labour?—In some of the prisons that is the rule, but not in all. In some of the prisons in America they are allowed to have their money at the time, which has a very mischievous effect; but that is not the case in those prisons I have described. In the prison at Boston, the convicts were allowed what is called "overstent," which produced the most mischievous effects.

358. Are they allowed to receive any provisions from their friends?—In the Auburn system of prison discipline in America, nothing is allowed them but the prison allowance; their friends are not allowed to send them any thing or communicate with them in any way whatever.

359. You say they are sometimes sentenced for life; what is the longest period you have known them actually confined?—I cannot say; this system has only been established a few years.

360. Can you give the Committee any further information with respect to the progress they make in the prison schools?—In the Prison Discipline Report, to which I have already alluded, a better answer than I can give will be found.

361. In the Auburn prison, how is the clergyman placed so as to be heard all over the prison?—He is placed in the middle on the lower floor, in front, and without raising his voice much, he can make himself distinctly heard in each of the cells.

362. Did it appear to you that the people joined in the worship?—They might do as they pleased in that respect; but as it was the only thing they heard during the whole week, the chance is, that they would have a little curiosity, and perhaps a sincere desire to attend to what was said.

363. How is the prison warmed and ventilated?—There are stoves placed upon the lower floor of the building, and ventilation is easily commanded by the numerous windows and doors. Each cell has what may be called a chimney, a small opening at top communicating with a general chimney, leading to the roof, which carries off the air that passes through the iron grating of the upper part of the door.

364. Have the prisoners ever the advantage of exercise in the open air?—Their exercise consists in their labour; some of the convicts in the open air, in cutting stones, and some working at cooper's work. Generally speaking, also, in their workshops there is good ventilation.

365. Then those that work at sedentary occupations have very little exercise?—They

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They certainly have not much, unless their occupations be varied from time to time, which I suppose it is.

366. Is their health good notwithstanding?—Their health is particularly good; that is one of the most remarkable things in those admirable establishments.

367. Have you been able to ascertain, from any inquiries you made on the spot, that the discipline to which the prisoners are subjected at those prisons had the effect of producing reformation?—The Committee will find all the facts, which have been well ascertained on this subject, very fairly stated in the several Reports of the Auburn prison, and embodied in the Reports of the Boston Prison Discipline Society. Lists are there given of persons whose conduct has been watched for several years after they have gone out of the prison; the result of which scrutiny seems to show that this system of discipline gives the best chance for virtuous conduct afterwards, by teaching those who are subjected to it habits of industry, and bringing them, perhaps for the first time in their lives, practically acquainted with the value of temperance. Under all these circumstances, the imprisonment is made extremely disagreeable; and therefore, upon the whole, I think it gives culprits the very best chance for virtue. The opinion of the most qualified men, however, with whom I conversed in America, appeared to be that it was hardly to be expected that matured culprits could ever be essentially reformed by any system of prison discipline. The expression which a gentleman in America used, and in which I quite concur, is, that the Auburn system gave them the best chance they could possibly have for virtuous conduct. I should think that no man went out of the penitentiaries in America worse than he went in; and, generally speaking, he would there learn some useful habits that he might not have been acquainted with before.

368. With respect to the schools, did it seem to be the opinion of persons conversant with the matter, that the prisoners looked upon it as a recreation to learn, or the reverse?—It decidedly appeared to me that the discipline of silence was so severe, that the prisoners caught eagerly at the opportunity of conversing with any body, and were delighted, even though it were only once a week, to hear the sound of their own voices.

369. You have already stated that there is no place to which the culprits in the United States can be transported of a nature similar to our penal Colonies; did you ever hear any persons conversant with the subject, in America, express an opinion relative to the advantage of having such a place?—I have heard many Americans competent to answer such a question, regret that they had no such place to which their more wicked fellow-countrymen might be transported, and allowed the same chance of becoming good subjects as we have in our penal Colonies.

370. Is that the general opinion, so far as you could collect it, of competent persons with whom you communicated upon the subject?—Not having made this particular point much the subject of my inquiry, I can hardly state the general opinion of intelligent Americans respecting it. In fact, it is a thing so completely out of the question in the present state of that country, that it is not likely to have occupied much of their serious consideration.

371. Did it occur to you that any inconvenience arose in the criminal jurisprudence of America from their having no place of banishment?—Yes, I think that is obviously a very great inconvenience, particularly as there is a general objection to punish capitally, even for the most heinous offences. The most obvious evil which arises out of this singular state of things, is that a culprit population exists, and is gradually augmenting in numbers and in atrocity in the heart of the country, but which they cannot possibly get rid of.

372. Are there no capital punishments in America?—There are hardly any in some of the States; but no two States are alike in that respect. In the State of New York, murder, in what is called the first degree, is, I believe, always punished by death. In Pennsylvania such punishment is very rare in any case. In the slave-holding States they are not so scrupulous; and the administration of justice is much more vigorously enforced.

Lunæ, 20° *die Februarii*, 1832.

THE Committee met at the Penitentiary, Milbank, and proceeded to visit the First Floor, Pentagon 1, A. Ward, consisting of Second Class Working Cells, sufficiently large to be converted into several solitary cells.

Mr. *James Wade.*

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The Committee then proceeded to inspect B. Ward, consisting of First Class Working Cells; also C. Ward, Second Class Working Cells.

The Committee then proceeded to the Infirmary, attached to Pentagons 1. and 2.

Mr. *James Wade*, the resident Surgeon; Examined.

373. IN your opinion, is the regular allowance of food to the convicts sufficient?—I think it is quite sufficient.

374. In your opinion, if the prison was so constructed that the prisoners could not speak to or hold communication with each other, would it be injurious to them?—I think it might be injurious to them.

375. Suppose the term of their imprisonment was reduced to one half, would that species of solitary confinement be injurious to them?—They might suffer even from that.

376. Do you think a man could endure for a year and a half, or two years, being kept entirely in a solitary cell, except during the hours of exercise?—Yes, I think he might.

377. What is the shortest period of exercise you think would be sufficient?—I should think an hour quite little enough.

378. Half an hour before dinner and half an hour after might be sufficient?—Yes, I think it might.

379. The object of the Committee is to ascertain how far punishment may be rendered as severe as possible, at the same time shortening the period of confinement, having due regard to what is just and proper?—If you increase the severity of the punishment, you ought to shorten the time; the treatment here is very different to what labouring men endure out of doors: five years is a long time, and they sink under it.

380. Do you think it would be injurious to them to cut off the communication with their friends?—I think it not unlikely that it would be injurious.

The Committee then proceeded to inspect the Pentagon for Female Convicts; also the Kitchens and Laundry.

Captain *Chapman* stated to the Committee, that it was his opinion that women were not systematically trained to vice, prostitution excepted, in the same manner that young offenders of the male sex are; that it was unnecessary to hold out the same severity of punishment as a preventive of crime, as in the case of male delinquents; and that therefore transportation to the Penal Colonies would be the best mode of correction; that it would provide for many who were helpless and without friends, and send them to a place where they are essentially wanted; that where prostitutes had been discharged from the Penitentiary they had returned to their former courses.

The Committee then proceeded to visit the Chapel, the Dark Cells and the Flour Mill.

Jovis, 23° *die Februarii*, 1832.

A. B. a discharged Convict, called in; and Examined.

381. YOU have been a prisoner on board the Hulks, have you not?—Yes, I have.

A. B. a discharged Convict.

382. For how many years were you sentenced for transportation?—For seven years.

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383. What was it for?—For felony.

384. When were you convicted?—At the October Sessions 1826.

385. And

A. B. a discharged Convict.

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385. And when were you discharged?—I was discharged on the 10th of February 1831.

386. Where were you confined?—On board the Retribution, at Sheerness.

387. Was the labour that you underwent at the Dock-yard very severe?—Very severe indeed, and very dangerous.

388. What was the nature of it?—Pulling houses down, unloading timber-ships and coal barges; and very frequently accidents happened.

389. Were you ever employed in dredging mud?—No; only unloading ships and coal barges, and pulling down houses.

390. Do you mean to say, that the labour you performed was as severe as that performed by the free labourers in the Dock-yard?—A great deal worse; there is nothing thought of a convict if he is hurt; he is thought no more of than a dog or a cat if he is hurt. If a man is hurt in the Dock-yard, he is taken to the hospital ship, and a surgeon attends him.

391. How do they contrive to get so much work out of you?—They put us to almost every exertion, and they always grumble (the guard that is over us) because there is not more work done.

392. But supposing you do not work as hard as they wish, what do they do?—They report you, and you are double-ironed, and your pay stopped from six months to four months.

393. If the weather is bad, are you worked?—If it rains very hard, the Captain has got a fresh way now, of sending men out breaking stones, Macadamizing. If you stop in half a day, they charge for it.

394. That is, if you stop on board ship?—Yes; if you do not go out, they charge a halfpenny; if you do, they charge a penny.

395. Then, in fact, by the present arrangement, they are worked every day?—Yes, except there is a fog.

396. They are not worked when there is a fog, for fear they should escape?—Yes.

397. What is done when there is a fog?—They are all confined in the ship, every man to his own room.

398. You stated that accidents frequently occur?—Yes, frequently, such as arms broke and legs; there are a great many amputations, from the falling of stones and timber, because, in general, the men are unacquainted with the unloading of timber-ships and such like.

399. But that pulling down of houses could only have been a temporary labour?—No; but they are employed in other things as well as that. When I was there, there were a great many houses pulled down; the pulling down of the houses lasted nearly eight months; there was a great deal of brick-work that they were obliged to pull down.

400. The other description of labour is principally hauling timber?—Yes; drawing deal planks in a cart, so many men to a cart.

401. Are the superintendents of the work allowed to use the lash if you do not work?—No, they only report you to the officers, and then they double-iron you, or the like of that. And another thing, the clothing was very bad when I was there; latterly it was a good deal better. When I first went I was given to understand that every prisoner was allowed to have a suit of slops every six months; now the officers get them off the men when the men go to the Bay ship; instead of serving them out with new slops, as they did formerly, they make them wear the slops that the prisoners wore that went to the Bay ship.

402. What do you mean by the Bay ship?—The ship that takes the convicts out to New South Wales.

403. You do not go out to labour till after breakfast, do you?—You get up at half-past five in the morning, and have your breakfast at six, such as it is; it is very scanty; and then you go out about a quarter past seven, sometimes half-past seven, and come in again at half-past eleven or a quarter to twelve.

404. At the same hours all the year through?—No, I am speaking of the summer now.

405. And then you have dinner?—Then we have dinner.

406. And then when do you go out to labour again?—We go out to labour again about a quarter past one.

407. And then how long do you labour?—Till a quarter past five, sometimes five.

408. Well,

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408. Well, what is done then?—Then the rest of the time is devoted to your own service.

409. You are taken back to the ship, are you?—Yes.

410. What do you do then?—You have nothing to do then, but such as mend your clothes or wash them.

411. What part of the ship do you go to; are you allowed to go about the deck, or where you like?—No, you are locked down after that.

412. But as soon as you return from your labour, what do you do?—Why, you keep on deck till you are ordered in, and then they call the names over, and take their beds, that is their hammocks, and every man goes into his room; sometimes there are eighteen or twenty in one room, according to the size of the partition that is parted off.

413. At what time are they locked up?—If it is the winter, they are locked up about a quarter of an hour after they come in; they allow time for all the men to get in, and then they call the names over, and they take their hammocks, and each lot go down at a time.

414. And in summer, what interval is allowed between their return to the vessel and the time they are locked up?—In the summer you come in about a quarter past five, and you do not go down below to your hammock before half-past six or seven.

415. Then, in point of fact, they have about an hour and three-quarters for their amusement and walking on deck, during which time are they allowed to converse with each other as much as they like?—Oh yes.

416. Is not the effect of that, talking about each others' exploits, and how they committed such and such a felony?—To speak the truth, that is the case.

417. Do you not think a prisoner learns a great deal of mischief there, if he does not know it before?—To speak the truth, I think he does.

418. And then after you are locked up for the night, are you allowed to converse?—You are allowed to converse along with your companions locked up with you, and you can sing, or smoke, or talk, or do any thing of that sort, till ten o'clock.

419. Being in the dark all the time?—No, there is a lamp allowed every apartment through the decks, which burns all night.

420. Then you can see in these rooms, can you?—Yes.

421. The whole night?—Yes.

422. Is there any necessity for sitting up?—No; but you can sit up all night if you like, so as you do not make any disturbance.

423. Is it light enough to read?—Plenty.

424. Then you can speak of any mischief you please to be carried into effect, after you recover your freedom?—You can speak of what you like.

425. Is there supervision on the part of the officers of the ship, to prevent any improper communication between the prisoners?—There is a guard comes down every half hour, and comes right along the deck, and looks into the room; if he hears you speaking, he may listen and overhear the conversation, and if it is any thing bad, he reports you to the officers.

426. But are you able to speak quite loud enough to understand each other without his hearing?—You can speak in a whisper if you please.

427. Were any plots arranged for the purpose of rescuing the prisoners?—No; there have been plots made for robbing one another; if one is possessed of a silver snuff-box, or any thing of that sort, and he comes down, an attempt is made to plunder him of it.

428. What do they do with the plunder; suppose one is robbed of a silver snuff-box or any article of value of that description, how can they dispose of it?—Why, some of the prisoners in the ship sell tea and sugar, and grocery, and bread and such-like things.

429. These men are allowed to sell the articles you mentioned, are they?—Yes, and they make a great deal by it; bread they charge sixpence a loaf for.

430. Are they allowed to sell spirits?—No.

431. Or beer?—No beer.

432. But, however, these men, you say, will take any article of value in exchange for provisions?—If there is a silver snuff-box or a silk handkerchief, or any thing in that way, if a prisoner takes it to him, he will receive it, and give him provisions for it.

433. Knowing it to be stolen?—Certainly.

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434. And how do they get rid of it?—They have got some way of conveying it out among the free people.

435. What do you call these people?—The boat's crew.

436. Are they allowed to communicate with people on shore?—Yes, they often do, because they go out for sea rusks and biscuits, and such as that; they go out along with the steward; he is a free man; and then he passes it to some of the free men, and they give them what they think it is worth.

437. And do they go on shore to purchase the provisions they retail to the prisoners?—Yes, they go for the captain, along with the steward, into the garrison for goods when a draft is coming down.

438. You say, among other things, that they purchase bread; how do they get it?—It comes to the ship by a cart; the baker comes with his cart to the bow of the ship, and they purchase it without going from there.

439. And the tea and sugar, how do they get that?—The grocer comes to the ship.

440. And do you suppose communications of an improper nature go on between these men and the baker and grocer?—I cannot say; very likely there might be; I know there were some spirits came on board very often in bladders.

441. Are those spirits concealed by the prisoners between decks?—No, only by these men.

442. And do the other prisoners ever obtain the means of procuring spirits or beer?—No, because they have a guard over them, and the others have not.

443. You stated that they would rob a prisoner of any article of value; do the prisoners ever come with money in their pockets?—Yes, very often, from Newgate. The boat's crew have to bring them away when the Chatham boat comes down; it lies in the harbour, and then the captain's boat's crew go to fetch them to our ship, and the boat's crew inquire if they have got any money, and they tell them that if they have got any money, and they do not give it to them, the captain will take it away from them, and only allow them a shilling a week; and then they give the boat's crew what money they have got, and they allow them bread and sugar and tea, and give them a shilling just as they like to ask for it, and then it is not discovered.

444. Then the captain's boat's crew get this money?—Yes.

445. You say they come from Newgate by the van down to such as Gravesend or Chatham, and then take water in the Chatham boat?—Yes.

446. What is the crew of the convict boat; is that a convict crew or a free crew?—They are a convict crew.

447. Now, when they come from Newgate, are they not examined before they leave Newgate, to see whether they have money or not?—They are not strictly examined, and it is very easy to conceal three or four sovereigns; they are very small things to hide.

448. But are they strictly examined when they go on board afterwards?—Their clothes are taken from them and washed, and other clothes put on.

449. Could not a man conceal a sovereign in his mouth?—Yes, certainly, and frequently do; and frequently swallow them and get them.

450. Are there any means afforded to the prisoner of receiving money from friends while on board?—No means; there used to be, but the officers have made fresh rules altogether now among themselves.

451. It could not be done through the boat's crew now, could it?—Yes, just the same by the boat's crew.

452. Their friends might send money in that way?—No, they could not.

453. They would not trust them, would they?—Why, the friends have sent money by them, and the boat's crew, or some of the prisoners, got it and kept it all.

454. Are there any bum-boats allowed alongside?—No, there is at the Bay ships. I have been to different Bay ships to take clothes, and the like of that, because I was in the boat.

455. You were one of the captain's crew, were you?—No, I never was; only occasionally, when one was ill, or the like of that, I used to go, as I could pull the boat pretty well.

456. Then the bum-boats are allowed to come alongside the Bay ships?—Yes; and the prisoners are allowed to have any thing.

457. What! spirits! are they?—No; a shoulder or a leg of mutton, or any thing of that sort, on board the Bay ships.

458. And any beer?—Oh, yes.

459. As

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459. As much as they choose to purchase?—No, only in moderation; such as a pint or a pot each man.

460. And it is not very easy for any friend to communicate with the prisoners on board the Bay ships?—Yes; they are allowed to do it while the Bay ship stops in the harbour.

461. And are they allowed to receive money from their friends?—That I cannot say, because I never was on board at the time any one's friend was there. There is a gang of men that go out of the town, and a great deal of depredation is carried on there; they are all old prisoners who have served about three years, and they go up in the town to work.

462. What do you mean; to work as free labourers?—No, as convicts; they go out in the meadows in the country, such as Queenborough.

463. For whom do they go to work?—For different farmers.

464. Then they are as much at liberty during the time they are so at work, as free labourers?—Yes; but they have got a guard along with them.

465. What do you say, they go in gangs?—Yes, perhaps fifty together; they go into the meadows and cut down the hills, and fill up the hollow places, for the farmers.

466. How are these opportunities of committing depredations?—Why, if they have got any snuff-boxes, or spoons, or money, or anything of that sort, they can easily get them conveyed into the town for sale, more than another prisoner can in the Dock-yard.

467. Then you mean to say, if they rob a prisoner of any valuables he may have about his person, by being so employed they have an opportunity of disposing of them?—Yes, they have, by going into the town.

468. And do you think they often do so?—Yes, they often do so; there are a great many Jews infest the place.

469. But if they were properly watched, how would they have an opportunity of disposing of these things?—Why, there was a guard of the name of Watson, in the Ordnance-gang, and when we used to go out to work, he frequently used to go and smoke his pipe, or lie down and sleep; and one of us prisoners was always on the look-out to see when he was coming or when he should awake.

470. Then were you at work near the town?—Right out in the town; through the town.

471. Then when this man was asleep, was it in the power of any of the prisoners to go into the town and sell any articles there, or how could you dispose of the articles?—There were plenty of freemen they could give it to, to dispose of.

472. You mean to say their accomplices in the town would come out and take the article from them?—Yes, there were plenty that would be very glad of it, to get a few shillings.

473. When a gang of fifty men go out, do they go under the superintendence of many guards, to prevent their running away?—No, they will not run away because of the time, three and six months.

474. When these men go out, do they associate with other agricultural labourers?—Oh yes.

475. Is any care taken to keep them from the other agricultural labourers, not convicts?—Not in particular.

476. They all work indiscriminately?—Yes.

477. Are you allowed to receive visits from your friends?—Yes, they used; I do not know how it is now; they have made a fresh rule altogether; now they have altered the pay and every thing.

478. How often were you allowed to receive visits from your friends?—About once in three months, if they liked to come; three days they could stop with you.

479. Where did they stop?—On the quarter-deck.

480. What! sleep there?—No, it was only from the time you got up that they could stop. We could be together all day on the quarter-deck, and have tea or any thing.

481. Were you allowed a holiday?—Yes, but your ration is stopped during the time your friends are with you, three days.

482. And the friends, of course, have the power of bringing money, or any thing of that kind, with them?—Certainly.

483. And receiving stolen goods?—Yes, certainly, and take them out and sell them in the town.

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484. And probably the friends of the convicts were persons of that description who would be very well disposed to receive stolen goods, and become the sellers of them?—Yes.

485. Do you apprehend that men who keep what are called fancy houses, go on board those vessels?—No, I do not, about Sheerness; I was at work in the ship; there is a good many kept in by the officers; if a man comes in who is a good tradesman, he is smuggled off the deck, because, if he is a tailor, they buy cloth and get him to make garments up for them, and scratch him off the Dock-yard book, and it is made out just as if he went out to work.

486. Can you mention the names of any men?—Yes; there was a man of the name of James Steward, a Scotchman.

487. What was he?—A tailor.

488. Do you remember about what time that was?—No, I cannot remember what time it was; it was frequently done.

489. He is scratched off the book, you say?—Yes; this man was a gangsman; that is, one of the oldest prisoners of the gang; he is called the deputy guard; the guard is a free man, and he is his deputy; he was a very capital tradesman, (a tailor); the officers wanted some light dress coats made for the summer, and they purchased the cloth, and they kept him in several days, perhaps half a day at one time and half a day at another time, to make these garments for them; they found silk, and every thing of that sort; and the guard that was his master, perhaps he would be desired not to say any thing about it, because after the guards have been there a long time, if the officers like them, they get them promoted to a quarter-master.

490. How could his name get off the Dock-yard list?—That I do not know; it is smuggled by the clerk of the ship.

491. But if proper attention was paid by the officer of the Dock-yard, could that be done?—The boatsmen are all leagued with the officer, and all lies with him and the boatsmen of the Dock-yard.

492. If a man has more than one friend, may he receive visits more frequently than once in three months?—That I cannot exactly say; I have known different people come down one week, and another friend another week.

493. And the same convict is allowed to receive visits from both, is he?—Yes.

494. Are the prisoners classed at all?—Yes, now they are; First, Second and Third Classes.

495. Do the prisoners after they are locked up ever gamble, play cards, or any thing?—There is nothing of that kind allowed; only dominoes of their own making.

496. And do they ever play much?—Oh yes, frequently, but not to let the guard see them.

497. Do they ever play cards on board?—I have seen cards on board, but they are kept very close.

498. Are you allowed to receive letters?—Yes.

499. As many as you please?—As many as you please; and send as many as you please.

500. And are the letters you receive, and those you send, read by the officers?—Yes; but those prisoners that go out in gangs often convey letters out for the prisoners, that are not discovered by the officers.

501. And they can receive letters in the same way?—Yes; there are some free men in the town that undertake for a certain sum of money to let a parcel be directed to them in the town, such as money or goods, or any thing of that sort, and then they bring it to the ship, and give it to the prisoners.

502. Are the friends ever examined, or their persons, before they leave the ship?—Very slightly indeed.

503. Then they can carry any thing away with them?—Many small things; the prisoners are examined closely now; their hats are pulled off.

504. When?—When they go out to work and come in.

505. Are the prisoners allowed to receive visits from female friends?—Oh, certainly.

506. That is only on deck?—On the quarter-deck.

507. They are never allowed to go down stairs between decks?—Oh no; sometimes they are in the smoking cabin; if a female is respectable, sometimes, if she gives a shilling to the quarter-deck man, he lets her go in the smoking cabin; that is a little place where the officers smoke.

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508. Where they are quite secluded — quite in private?—Yes, they are quite in private there.

509. There is nothing to prevent a man from receiving visits from any girl he has been loving, then?—Certainly not, if she comes as his wife or sister.

510. Then any thing could be done in that smoking-room without observation?—Certainly; there is nobody in the ship at that time but the officers, when the men are all out but the persons' friends who comes to see them.

511. Independent of the connection, they would be enabled to change goods there?—Certainly.

512. What portion of their earnings is set aside to form a fund for them when they leave the ship, at the expiration of their sentence?—Why, formerly they used to have a shilling a week put by for their expenditure when they came away; but now it is only sixpence a week put by, and threepence a week they give you.

513. Sixpence a week is put by during the term you are confined, against you come away?—Yes; but it used to be a shilling at one time; and just before I came away it used to be two shillings.

514. What is the largest sum you ever knew received by a convict on leaving the ship?—Twenty pounds.

515. Did you ever know any instance of their coining, or making skeleton keys on board ship?—There has been bad coin on board the ship; but I cannot, on my oath, say it was made there. I should wish to speak the truth, to the best of my endeavour, on every point.

516. You cannot say, of your own knowledge, that it was made there; but had you any reason to suppose it had been made there?—The only reason I had for supposing it was made there, was, that one man was ironed for having a good deal in his possession.

517. And you think he made it on board ship?—Why, I cannot say he made it; there were some very good tradesmen; there was a man who made a mould for several things, such as these counterfeit coins, such as the King, and the like of that; he had a mould that would make that; and I think he had a mould that would make something else, but it was carried on in a very close way, in the lower deck; and there was a tinman in the ship that used to make articles for the captain, such as pots and kettles.

518. And he had a fire?—Yes.

519. And therefore, if he had wished, he had an opportunity of casting coin?—Yes; but I would not wish to speak to that, unless I could speak clearly.

520. Have you any reason to suppose that there were any skeleton keys, or house-breaking implements, made there?—No, there were not, to the best of my knowledge in that respect.

521. Has it ever happened that they stole any of the stores in the Dock-yard?—Yes, often, such as copper bolts, and the like of that.

522. And how do they dispose of them?—Took and put them in a mud bank, or under some timber; and then there are some men in the town come and take them away in the night, and leave the money there for them against they come to work the next morning.

523. What do you mean, in the Dock-yard?—In the Dock-yard.

524.—Is not the Dock-yard locked up at night?—Yes, but then there are the Dock-yard labourers all through the Dock-yard at night.

525. But how could a receiver of stolen goods be admitted into the Dock-yard after nightfall?—I do not know; I know it has been done.

526. And you say that frequent depredations take place?—Yes, it has been done frequently, and a great many of the Dock guards bring sheets of copper on board in their bags sometimes, and make it into bottoms for kettles.

527. How can they get access to the stores?—They get to work there perhaps as we might; they go into a room full of stores to remove things from one place to another; the men are not all set on to the same work.

528. Is there full employ found for all the convicts?—Yes; but if the officers take a fancy to a man, they will shove him into what they call a good billet; that is, a plumber's shop or a painter's shop; and then they can take out stockings or shirts, or bring in any thing.

529. But would it not be possible, by a more strict examination of the prisoner before he leaves the Dock-yard, to prevent that?—Yes, but these men I am speaking of are single-station men; there are nine or ten of them put into different parts

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of the Dock-yard; some in a plumber's shop; these plumbers are all free people, and they do not come in perhaps till half-past five; and all the men are on board at hard labour when these single men come in, and there are no guards to overhaul them.

530. Would it not be extremely difficult for the men, if they were all to be examined properly on leaving the Dock-yard, to commit acts of plunder?—It could not be done then, because when they come to the ship there is a gang of perhaps twenty men; there are all the guards stand on each side, and you walk up through the middle, and every man is felt all over.

531. And those are the great plunderers, are they?—Yes; that crew has such a connection with the free men that take things out and bring things in. One man, a prisoner, earned a great deal of money by shaving the free men; he used to go and take a circuit right round the town; he was a single-station man.

532. Used he to come on board at night?—Yes, sometimes it was six o'clock; and if the officer asked where he had been, he would say he had been doing something for the boat's man in the Dock-yard.

533. You said just now, that they used to conceal copper bolts and other articles of that kind, under some timber or in a mud bank; how could that be prevented?—It is the neglect in the storehouse-keeper, the foreman; one of the prisoners gets talking to him and taking off his attention, and gives him a tobacco-stopper or something of that sort, while another snatches up a piece of copper bolt.

534. Would it not be very easy to have the Dock-yard locked up at nightfall, and prevent that?—Yes; and there ought to be no convicts at all allowed in the storehouse.

535. Would they have the means of employing them without being in the storehouse?—Yes.

536. You think there would be ample labour to employ all the convicts, without taking them into the store-rooms at all?—Yes.

537. Would it not be very possible to partition off those rooms in which you sleep in the ship, into a number of separate berths with board partitions between them?—Yes.

538. And by having ventilators in each, there would be plenty of air?—Oh yes.

539. And if that was done, that would prevent almost all communication between the prisoners after night?—Yes.

540. And they would feel that very much, would they not?—Yes. There are free-and-easy's there sometimes; perhaps a hundred all in one room, and mess tables and forms on each side in every room; and then there are large kettles of tea, and flash songs singing till ten or eleven o'clock at night, and dancing and fiddling; there are two fiddles, what they play in the chapel with; there is a clarionet and two fiddles, a violin and a bass, and dancing and fiddling till ten or eleven o'clock, with hot tea and smoking tobacco. You could not see before you, hardly; you felt just as if you were intoxicated when you were coming out, what with the tobacco and hot tea, and one thing or other. The officers seemed pleased at it; sometimes they would come in and stop while they were singing, and if a man could sing a good song, perhaps they would give him a shilling or sixpence.

541. Would not that make the air between decks very foul, and injure the men's health?—It must injure their healths; the ports are all shut down.

542. And what ventilation is there?—There is nothing in the room, nothing else but the ports, iron-bars outside, and sash windows inside; you can open them if you like; it is like a manufactory on board, there are so many things being made, dice and dominoes; they make them of a night in the ship, and then put them in a box, and then give them to some prisoner who works out in the town to dispose of.

543. Then there is nobody overlooking you all this time?—No.

544. The boys are in a separate place, are they not?—No.

545. The boys are not allowed to be with the men, are they?—Yes.

546. But not boys under 16 years of age?—Yes, there are some boys 12 and 13 with the men, sleep in the same place.

547. And they communicate with the men, do they?—I cannot say whether they communicate; they live with the men, drink tea and sleep and all in one place.

548. And do they teach them to pick pockets, or any thing of that kind?—That I cannot say.

549. As there is such a noise between decks, with dancing, fiddling and singing, would

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would it not be very possible to stamp coin without its being overheard?—Yes, it could be done without being overheard.

550. But not without the knowledge of the other convicts?—No; if it has been done, it has been done when the prisoners were all out, because these two men never went out in the day-time.

551. But you do not think it was ever done by the prisoners on board?—I do not know; I cannot say; I have thought in my own opinion it has been done.

552. Are the prisoners ever worked in company with free labourers in the Dock-yard?—Not above one or two, the float-gang; there is a great deal of correspondence carried on there.

553. What do you call the float-gang?—It is a gang of men, all prisoners, that go out perhaps 10 or 12 miles up the harbour, to dismast ships and unballast them.

554. And what do they do?—Why, the officers on board very often buy tobacco-stoppers of these convicts, and then they give them a biscuit and cheese, and salt pork, and such-like as that; and often give them a lot of rum and gin, and then they convey it on board in bladders to the other prisoners, and sometimes they sell it to the cook.

555. Do you think that the women bring on board any spirits?—That I cannot say.

556. Are the female friends of the prisoners examined when they come on board?—Just down the pocket.

557. Then they might easily convey spirits in bladders without being discovered?—Yes.

558. Have you any reason to suppose they ever do?—I do not know; I have seen people's friends very merry of a night, and their berths smelt very strong after they had been down.

559. Then, with the exception of the hard labour you undergo, it is rather a jolly life?—Yes; Mr. Capper was surprised when he came down one Christmas; there was a young man there who had had, I think it was two pheasants sent down, and we had three or four of the tables joined together; and we had a dozen or fourteen different joints of meat, besides a fowl; and we had got a dozen of glasses, and some small beer poured into the glasses, and it looked more like wine than small beer; so Mr. Capper came, and he said, "God bless me!" says he, "I hope spirits are not allowed here." So the second mate came and tasted it; and then we all jumped up, and said we were making ourselves merry at the expense of our friends. It was nothing else but small beer.

560. And was there any thing else but small beer?—Oh no.

561. Is that allowed?—Yes, a pint of beer every day.

562. How did you get the joints of meat?—Our friends sent them to us on the Christmas eve.

563. But was that allowed at any other time than at Christmas?—No, it was not allowed then.

564. It is now prohibited altogether, is it?—Yes, all parcels and all tobacco; and they have prevented all smoking in the ship; but that was a useful thing, because it used to keep fever away.

565. What light have they in the room when they are drinking tea and dancing?—Candles; four or five on each table.

566. Then is not there great danger of the ship being set fire to?—No; because tea is not like liquor to intoxicate the men.

567. And these lights are put out at ten o'clock?—Yes, we all dismiss at ten o'clock, and every man goes to his own apartment; we all break up just like a public-house being shut up; we all turn out.

568. What would be the effect of partitioning off the whole ship into separate sleeping-cells, one man in each cell, and locking him up for the night when he goes down below between decks?—It would be the best thing that ever was done.

569. It makes the punishment severe, does it?—It makes the punishment twice as severe, because there would be none of these free-and-easy's then.

570. At what part of the ship was that held?—Sometimes middle deck, sometimes top deck.

571. Now, do you consider that the London thieves, and persons of that kind, know what sort of life is led on board a hulk; do you think they are very much afraid of being sent there?—No; some of them are not: some of them do not care nothing at all about it; there are some I have known to be discharged at the end of eight years, who were sent for fourteen; and sometimes to get their liberty, and

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twenty pounds in pocket; and when they get out, have got acquainted with some female before they went away, and have gone along with them, and got intoxicated, and lost all their money, and have not had enough to go to London with.

572. And what have they done then?—Perhaps gone and got into Maidstone before two or three days were over their heads again, and have been sent back again and gone to the Bay.

573. If the punishment were made more severe by separation of the convicts at night, would it not be much more dreaded by the thieves in London?—Oh, it would, a great deal; solitary confinement is the worst of punishment.

574. Do you think a convict, at the expiration of his sentence, is ever reformed?—I can speak of myself.

575. What is your opinion with regard to many of your acquaintances?—I know two or three who have never been in trouble; but, as far as I know, have earned their bread honestly since they have been home.

576. But is not that rare?—It is rare, certainly; it is according to the state of a man's mind.

577. You are a married man, are you not?—No; I live with my father and mother.

578. Does one in ten reform, do you think?—No; I do not think one in fifty.

579. Is not one reason against reformation, the difficulty in finding employment when they get out again, from the unwillingness of any body to take them into their service?—Yes, that is the thing.

580. Will you mention to the Committee what was the cause of your first commitment; the crime for which you were sentenced to transportation?—I will tell you with the greatest of pleasure. It was one Christmas, I was very short of work, and my father was very ill: I am a shoemaker, and there was a young man came to me, that lived next door to where I lived, and he was out of place; he had had a few words with his master, and he left his place, and he told me he could get a certain sum of money, if I would go with him, of his master.

581. That is, by robbing him?—Yes, by robbing him. So I said I would go along with him; and he went up stairs into the back room where his master lived; his master was a solicitor; and he could not find the sum of money that he thought he could find; his master was out of town at this time; and we took away two coats, and two or three pair of boots and a pair of shoes, and I went and sold them at Seven Dials for six guineas; and he had three, and I had three; and I got transported for it; he turned King's evidence against me.

582. And do you mean to say that was your first offence?—Yes.

583. Then you were sentenced to transportation?—Yes, for seven years.

584. And sent to the Hulks?—Yes.

585. Then you have never been in prison except that time?—No.

586. How long were you in Newgate?—I cannot rightly say how long; a month or two, I dare say.

587. Is not Newgate a terrible place?—Yes, for vice.

588. There is no separation of the prisoners there, the good from the bad?—No.

589. The bad from the very worst?—No; if a prisoner comes in, and he is not as wicked and deep as they are, they will pull him out of bed of a night with a string to his toe; they call it toeing, and goosing of him; that is, with a blanket tied with a great knot on it.

590. Have they the means of receiving spirits there?—No, they are strictly examined by the turnkeys; every person that comes into Newgate.

591. And their friends also?—And their friends also.

592. The prisoners are all strictly examined on going in?—Yes.

593. And are they allowed to see their friends whenever they come to see them at Newgate?—Yes, they are allowed just to look through the iron bars at them; but you cannot put so much as a pea through.

594. Is the examination very strict of the prisoners when they go into Newgate?—Yes.

595. How can a prisoner ever manage then to keep money on his person until he gets on board the boat to take him to the Hulks?—Why, it must have been sent in a pie, or a pudding, or an orange or a bun.

596. Were they allowed to receive that sort of present from their friends?—Yes, an orange; and that is not examined; or between two soles of a pair of shoes; a sovereign is such a small thing.

597. Whereabouts

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597. Whereabouts in the ship do you dine?—It is according to what deck you are in.

598. Are there large dining-rooms?—No, always partitioned off.

599. Is it the same room in which you sleep?—Yes, eat, drink and sleep all in one room; some contain many more than others.

600. Are you watched at those times?—Oh no.

601. The deck is divided into so many different apartments?—Yes, and there is a passage down the middle sometimes; there are twelve men in each of these apartments, and sometimes sixteen.

602. And is this fixed by the commander of the ship?—Yes, by the Captain.

603. Do you work in irons?—Oh yes, every one; but some do not weigh an ounce: some weigh four pounds.

604. Are they put on when you go out of the ship to go to work?—We sleep with them on.

605. Some are much heavier than others, you say?—Yes.

606. Is that from favour, or the man's constitution?—From favour.

607. Not with regard to the man's constitution or the crime he has committed?—Not at all.

608. Can you undress yourself with your irons on?—You can just pull your stockings off.

609. Have you ever known the irons filed off?—Never, they are too heavy, the heavy ones; mine were the smallest in the ship, not being above half so thick round as that quill; I could take mine off; it used to be like a spring; when I shut it down, it shut, and when I opened the spring, it came undone; I had it made so for my own convenience; I did not make it to run away, or any thing of that sort.

610. Did the Captain of the ship know this?—No, nobody but myself.

611. Do you think that was generally done in the ship?—No, I do not suppose another one in the ship did it but myself. The Captain's servant might have it so, but it was not a common thing.

612. How did you know how to do it so?—The rivet was loose once, and I was afraid I should have to have it fastened again, and I took and knocked the other rivet with the shoemaker's hammer, and I found that I could take it off and put it on, and it would not fall; and I made a very good shift with it in that way.

613. You stated to the Committee the reason of your first committing crime; now what was the reason of your leaving off that course of life afterwards?—Why, it was pretty near the cause of my mother's death while I was away; when I came back I did not know her scarcely, and she went on her knees and begged of me to keep at home with my father, and work along with him, or else that I should be the cause of her death; and I have done it as far as lies in my power since I have been home.

614. What became of your friend who turned King's evidence against you?—I do not know; I have never seen him since.

615. Do you imagine that was his first offence, or was he a bad one?—I do not know; I never was acquainted with him no further than he lived next door to me in London, and we used often to have a pint of beer together at a public-house.

616. You do not know how he got into that course of life?—No, I do not.

617. And you never had any communication with any thieves before that?—Not before that.

618. Have you any reason to suppose that there are schools in London for teaching robbery?—I think there is, with regard to picking pockets, and such like as that.

619. But do you know anything of it; has it ever come under your own knowledge; can you give the Committee a hint upon that subject?—No more than what I have heard talk of on board ship.

620. What have you heard said about it?—I have heard that there were such places existing in the Seven Dials, in Saint Giles's, where they learnt to extract watches from pockets, and cut people's pockets, and such-like as that, to obtain money; but I never heard mention where.

621. Did you ever hear them say what the age was; whether it was like a sort of regular school, or whether individuals associated together, and taught each other?—It was a school where they used to educate these ppeople to do it.

622. And there were a great many taught, were there?—Yes.

623. There was nothing of the kind going on on board ship, was there?—Nothing of the kind; I have often heard them explain the exploits they have done, who

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who they have robbed, and such-like as that: I never saw nothing of the sort exercised on board ship.

624. Did you ever, in conversation, hear them making any remark, comparing the Hulks with the Penitentiary, or any other prison?—They seemed to think the Hulks a great deal better than the Penitentiary, because there was more freedom.

625. They spoke of their dislike of the Penitentiary, did they?—Yes, because of close confinement.

626. Did you ever hear them compare the Hulks with transportation; which they liked best?—The Hulks is transportation.

627. No; but being sent abroad?—Oh, they always spoke very highly of the Hulks in some things. There is one thing very particular that I was going to mention, and that is, that when you are discharged, it takes a man at a nonplus, just as if he was going to die and come to life again. The Captain, before he gives you your discharge, makes you sign a book, and you cannot see what is in that book, but I know what is in it myself, because I have heard the clerks say what is in it; you have to sign your hand that you have had so many suits of clothes, so many new shirts, and so many handkerchiefs, stockings and shoes; and hats, and perhaps, at the same time, you have not had one-half of the quantities, only old things.

628. You say positively that you are called upon to sign without having the things read over to you?—Without having it read over; you have only to go to sign your hand in a book.

629. Did you ever know a person on going to be discharged being asked to sign, and refuse to sign?—No, never one; because they are all so pleased that they would sign any thing to get out of the ship.

630. Now do you allude to any particular instance of that, at the time you yourself came away?—With regard to myself, it was so unexpected, that my knees trembled, and my teeth chattered together, that I could not speak to anybody, the Captain or any one else, for two or three minutes, for the pleasure of going away.

631. If the Hulks were so agreeable as you describe them to be, how came you to be so glad to get away?—I was glad to get to my friends.

632. Did you yourself sign the book in that way?—I did; I did not know what I was doing.

633. They did not first read it to you?—No, they did not; I was merely called up to sign the book, and I could not hardly sign it.

634. Have you any reason to think that part of the allowance made to you as a convict by Government was withheld from you?—No; but the Captain had a certain sum of money allowed from Government that would purchase very good beef by contract; but he contracts with a butcher in the town for a certain sum less, which causes the meat to be a good deal worse than it ought to be.

635. You mean at a lower price?—Yes, but I shall tell you how he manages that; there is always about ten or a dozen pounds of good meat brought with the bad; sometimes more, half a quarter; then he will cause this to be hung up, and the bad to be cooked, in case any gentleman comes down to the ship; and then he shows them this good meat, and tells him that is what the men have.

636. How do you know this has been the case?—I have heard the Captain's clerk talking about it, and say what a dreadful shame it was. I can mention one instance; there was some gentleman came down, and there was a beautiful piece of meat hanging up, and the Captain went to him, and showed him the meat, and he said, "My Lord," or "Your Lordship," (he spoke very high), and gave him to understand that that was such meat as the prisoners had, and he expressed great satisfaction, and said it was very good beef; and he also showed him some bread that he had got, and the bread was pretty near white, and our bread is always very bad; you can just break it in two, and throw a bit against the wall, and it will stick like clay, and weigh so very heavy; and the beef is as thin; the ribs are not so thick as my two fingers; it is nothing but cow beef.

637. Do you think any part of the clothes allowed by Government were withheld by the Captain?—I am sure they were; because I have seen it in the rules and orders of the house, that every prisoner is allowed a suit of slops every six months, and that is a jacket, waistcoat and breeches, and shirt, handkerchief, stockings and shoes; well, instead of that, they will make you wear the shoes perhaps nine or twelve months, or perhaps fifteen; I have been eighteen months without a pair of new shoes; and perhaps when you want a jacket, you go to the officer of your deck,

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deck, and you ask him for one, and he will give you an old one, free from holes, but still not a new one; and a shirt, and handkerchief and stockings, the same.

638. But was there an allowance made to you for those things?—No; no allowance at all.

639. Was it not considered that the money was paid back to you when you went away?—Oh no; because the money that is paid to you when you go away, is the shilling a week that is put by.

640. You do not think that any part of the money that was laid by for you was withheld?—No, I do not think any part of that was withheld; because it was too common a thing, it could not be done. There was one officer that was very good to the men; he used to give the men jackets and shoes, and if it was cold weather, he would give them an extra blanket or any thing of that sort; the other officers hated this officer.

641. Who was the officer that you mentioned; what was he, a lieutenant or a captain?—No, he was a third mate; and when Mr. Capper came down, he spoke against him, and said that he made free with the men.

642. Do you remember his name?—No, I do not; it was when I first went.

643. And did he give them these things out of his own pocket?—No, out of the stores. They did not like it; they wanted him, you know, to be as all of them used to be, as avaricious and covetous as they were; and when Mr. Capper came down, he said he made free with the prisoners, and got him suspended; and the next one that came, by God! he was a devil, he was worse than any of them.

644. What year was this?—This was soon after I went; I suppose it was nine or twelve months after my going to the ship. I have been at three Hulks; the first was the Dolphin, at Chatham; I was there about two hours, and then drafted off to the boys' ship, the Eurylus. They do not go out to work, none of them; they are kept making clothes and making shoes, but they are half starved to death.

645. What age were you when you were first convicted?—I was between seventeen and eighteen, I should think; I know I was very young.

646. What was the third Hulk that you were at?—The third was the Retribution, where I served my time; but I was a fortnight at the Eurylus.

647. How long were you altogether in the Hulks?—Four years and four months. I was only a short time at these Hulks that I am speaking of.

648. And was the same system pursued there?—The same system, except the boy's ship, and that was very ill usage there; the guards will use the lash there.

649. How many boys are there in the Eurylus?—I cannot say how many.

650. They were taught to read and write, were they not?—Yes; and to make shoes and clothes. I learned a good many myself. I can work very well at my own trade.

651. Do not you think the system on board the Eurylus preferable to the other ships?—A great deal more enlightening to the mind—a great deal better.

652. Did you get work on board the Hulks in your trade?—Yes; I learned a good many how to close, and got them as far forward as I could in the trade.

653. They were more likely to improve, then, on board the Eurylus?—Yes, because it learns them a trade, so as they can get work when they come out; there is no dragging timber about, and such as that, as there is at the Retribution; but the boys learn a trade, which causes them to get better employment when they get their liberty, than when they are at the other sort of labouring work.

654. Do you think the same kind of scenes did not occur on board the Eurylus as on board the Retribution, such as dancing, and so on?—No, there was no dancing, no thieving, nor any thing of that sort, while I was there; only the provisions were so very scanty. If there was a little more, about a couple of ounces more to each man, it would be a great deal better.

655. You said you thought it would be a great improvement on the system if the decks were partitioned off into single berths?—Yes; and another thing, the beef must be looked into; I think it hurts the constitution.

656. Do you think the same system would answer for grown-up men?—I do not think it would be wholesome, if so many as 500 or 600 men were confined on board ship; I do not think it would be free from distemper, if they were locked up and confined all day and night in one place.

657. Have you any reason to suppose there has been any increase in fevers since tobacco was left off?—There has been a great deal more illness since tobacco was left off; it was a very good thing to keep away disease.

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658. Suppose a convict is refractory on board the Hulks, what do they do to him?—Iron him, put him in the dark hole, tie him up, and flog him.

659. What do you think is the most effectual punishment, corporal punishment or solitary confinement?—I think confinement does more with men than flogging, for it only makes them the more hardened.

660. You do not think it is so with boys?—Not with boys; a man has a greater degree of sense than a boy; they are so wild when they are young, that I think flogging tames them more; but a man, when he is flogged, he says, "Oh, I don't care, they can only flog me again; I know what it is." It only makes him courageous, and hardens him the more.

661. Before a man is flogged, is there any court-martial or inquiry?—Nothing of the sort; it rests entirely with the Captain.

662. Are the floggings which take place registered in any book?—Oh yes; and sent up to Mr. Capper.

663. You stated to the Committee, that you sold the goods which you took from your friend's master at the Seven Dials; how did you know where to sell them?—I took them to the first shop I came to; a broker's shop in White Lion-street; there were a lot of brokers' shops there all together at that time.

664. Was any question asked you as to how you came by them?—No; I saw a woman; she did not ask me how I came by them; she was a Jew woman.

665. Did you find your fellow-convicts at all shy of entering into conversation with you at first?—Yes, at first.

666. But afterwards, did they meet you with confidence?—No; they never trusted me with any confidence; I never used to be with them a great deal after a while, because I used to be along with four or five others of my own trade (shoemakers); only I have heard them make use of very odd phrases and terms; but there are some things now that I do not understand, and never give them a thought.

667. You heard from the thieves in Newgate, what was their system of robbery?—Oh! I could not be off hearing it; when we were locked up at night, they would be all sitting down at a large fire, and talking about their different exploits.

668. Can you mention any thing that you heard?—No more than what different tools they had, and how they got liberated by such a Counsel.

669. Did you ever hear them, in talking past matters over, speak freely of acts of personal violence?—No, I never did; I have heard them boast of different robberies on the highway, and such as that, but I cannot say at what time it was done or where it was.

670. Did you ever hear any thing said with regard to the receivers of stolen goods, in Newgate?—Yes, I did; one man, of the name of Ikey Solomon, that lived in Rosemary-lane; they said he was a man that was possessed of a great deal of money, and they could bring any thing to him, if they had a house full of plate or property of any sort, Ikey would have it. I heard them boast what a "d—d good fellow" he was, and the like of that. He is transported, I believe.

671. Do you think that convicts dread more going to the Hulks than going to New South Wales?—They dread more going to the Penitentiary than any where, because the confinement is so great and so close.

672. So that if a man is sent to the Hulks, he thinks himself a lucky man, does he?—Oh yes.

673. But, as between the Hulks and New South Wales, which do you think he would prefer?—I would sooner go to New South Wales; I think I should stand a chance; God knows, I hope I shall never fall in the same way again; but I think I should stand a chance, as I can work at so many different branches of my trade, of getting employment over there.

674. But would a hardened thief prefer New South Wales?—No, he would rather be at the Hulks.

675. You would prefer it, because you could obtain an honest livelihood there?—Yes; because I should think that the way my father taught me to work, I could get work over there.

676. Would a hardened convict prefer New South Wales to the Penitentiary?—That I cannot say; I never heard that spoke of: I should think they would never prefer the Penitentiary, because they cannot bear the thoughts of the Penitentiary.

677. What

677. What did they say about the Tread-mill; did they think that a severe punishment?—Yes; especially at the House of Correction at Cold Bath Fields; they said they would sooner be transported seven years than go there for one year.

678. Do you think it hurts their constitution?—I do not think altogether that it hurts their constitution; but what they say is, that the work is so laborious; it is so dreadful the punishment is to them.

679. Did you ever know any body in the Hulks who had been there before, committed a second offence?—Frequently.

680. Is there any difference made in their treatment?—Yes; they are cross-ironed; they have an iron on each leg, if they are known, and are sent off in the first ship that goes out of the country to Sydney, or Van Diemen's Land, New South Wales.

681. Then they are often put on board the Hulks a second time?—Sheerness is the receiving ship; I believe, to the best of my knowledge, that all the prisoners that go from Newgate, go down to Sheerness now, for a temporary time, as that is the receiving Hulk.

682. And they think the Tread-mill a great punishment, do they?—Yes; because when they are at the House of Correction, as I have heard them say, they sleep separately.

683. What mode of punishment do you think, from your own experience, is most likely to reform a convict when he comes out of gaol?—Solitary confinement, and not so much freedom; no flash songs, no dancing and singing, no dominoes played, or such-like as that.

684. Do you think if a man goes in ever so innocent into gaol, that he is very likely to be corrupted?—Yes; if he is there ever so short a time, if he does not do as they do, they pull him out of bed, and make his life a burthen to him; and you must do and say as they do in comparison; if your heart is quite different to their ways, you must say and act the same as they do in one way before them, if your heart is quite set against them, or else in cutting up the victuals, and such-like as that, they will endeavour to cheat you all they can.

685. How did they make any attempts to corrupt you?—At first they called me all manner of names; they said I was a Yokle.

686. What is a Yokle?—A soft one; they said I was soft, and did not know nothing; and they gave me very bad allowance of victuals. They took the best and largest pieces themselves, and the new chums, they got all lean or bone, or what they liked to give them. The officers do not know nothing about that.

687. Did you ever hear them speak of the places of resort in London, their flash-houses?—Yes; I have heard them speak of the Cross Keys, in Belton-street. There is a terrible flash house about our neighbourhood.

688. Where is that?—That is the Cock, in the corner of Cock-court; and the worst house going, is the Shades, for thieves. I have heard them talk on board the Hulks and in Newgate too, about the Shades, dividing their spoil there of a night.

689. Where is the Shades?—In the Strand, against Waterloo Bridge. You can go down there at twelve o'clock at night, and stay there all the next day if you like; there are men and women and girls, and all down there, and they go out thieving. I have heard them say, "We went out some days, and made 9*l.* or 10*l.*, and then went down there and called for pints of gin, and regulated our money there."

690. Could they divide stolen property there?—I do not know; I never was in the Shades in my life; no more than I have heard them talk about it, and I have seen it as I have gone by.

691. Where is the Cock?—It is just by where I live, at the corner of Goding's brewery, Brewer-street, Golden-square.

692. The Shades, you say, is in the Strand, against Waterloo Bridge?—Yes, you can see Waterloo Bridge as you stand at the Shades; it is like a bar that you go in at, something like the front of the Adelphi, and you go down stairs; there is a cellar under ground, a very large place I have heard some of them say, and there is dancing and singing, and dominoes and cards played there.

693. Do the police go down there?—They never go down there, as far as I know, or else they would not so frequently pass by; I do not think they know of it.

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694. But do they go among those places?—I do not know myself. I was going to try to get into the police myself, but they said I was not tall enough; if I had, I should have been the cause of a good many houses losing their licenses.

695. What could you do?—If any robberies were committed, I could cause a good many fencers to be taken up towards Rosemary-lane, and that way; but I should not like to be in a division near my own way, or else I should get murdered some night or other.

696. Where is Rosemary-lane?—By the Minories. When I was in Newgate I heard a good many Jews' names drop, but they are no service to me unless I was in a situation under Government. If there were any robberies committed, I should go right slap off to this place. I have a great notion if I had a place of that sort that I should be a great deal of service.

697. Then you never saw any schools for picking pockets in Newgate?—Never.

698. Have you in London?—No, never.

699. Do you know where there are any?—No, I do not.

700. You know that there are such things?—I know that there are such things.

701. How do people learn to become perfect in those different arts of picking pockets and breaking into houses?—Why, I suppose one learns another.

702. Is there a school for any thing else besides picking pockets?—I do not think there is; there cannot be a school for shop-lifting or any thing of that sort; but picking pockets, and breaking houses, and making jemmies and skeleton keys, and such-like as that.

703. Do you think there is as much thieving in London as there used to be before the new police were introduced?—No, I do not think there is; but the policemen are very neglectful; they lose so much time talking with the servant girls.

704. Do you think any of the robberies that are committed are known to the police?—No, I do not think they are; but I have heard a great many cramp words, and one thing or other; and I think if I were in the police, and there were any robberies to much extent, I could go to the place where the goods were; but I do not know the policemen are much acquainted with the robberies that are done. I saw a gentleman coming out of the Opera the other night that had the flap of his coat cut off, and I did not see a policeman near.

705. But there are not so many houses broken open as there used to be?—No, I have not heard of so many robberies being committed as there used to be formerly.

706. It would be more difficult to break open a house now than it used to be, would it not?—I should think it would, by the police being at such short distances, I think it is a very good thing, the new police; more so than watchmen, because I believe there was a great deal of bribing with the watchmen.

707. Are you aware of any places where tools are manufactured for picking pockets and house-breaking, and those kind of things?—No, I am not.

708. There are manufactories in London, two or three, are there not?—I believe several people get their living by making them.

709. You do not know of any, do you?—I think there is a man at the Cock and Magpie, Drury-lane, that makes them; I have heard them talk about Black George, he is called, what a good one he is to make jemmies, or any thing of that.

710. What are the other tools used?—Skeleton keys.

711. And centre-bits?—And centre-bits, and such-like as that; but the keys are the principal things, and saw-files.

712. There is hardly any house that an experienced housebreaker would not break into, is there?—No, I think not; the patent locks, I think, are mere puff altogether; they can be as easily picked as any other lock, I think myself; and if the iron bar is as thick as that candlestick, it could be cut through with a little aqua fortis and a file-saw, if the file was tempered for that purpose, to the thing that they were going to do, because the aqua fortis would open all the pores of the iron like a piece of pewter.

713. Have they any instruments for picking pockets?—Nothing but hands, to the best of my knowledge, and the best of them are sure to get apprehended and brought to justice at last.

Martis, 28° *die Februarii*, 1832.

Thomas Hawkins, called in; and Examined.

714. IN what capacity are you at the Hulks?—First Mate of the Retribution.

715. How long have you been there?—Two years and four months in the Retribution; I have been 17 years in the Convict Establishment altogether.

716. What number of convicts are there on board the Retribution now?—Four hundred and eighty-five when I left it.

717. Are they constantly employed in labour at the Dock-yards?—Yes, they are; the Board of Ordnance employs 102; there are two separate Boards.

718. Is the labour severe to which they are exposed?—Yes, it is hard labour, laborious work.

719. Of what description is it?—Various; the men are not employed at one thing every day; they have fifty jobs; sometimes one gang at one thing, and one gang at another; landing timber, stowing timber, clearing mud from basins, clearing docks, levelling the yard, paving, painting, whitewashing, and many others things.

720. Is their labour as severe as that of a free labourer?—Yes.

721. Do you think you get as much work out of them?—More.

722. How do you contrive that; do you not think a man can work harder when he is paid for it, than when he has the fear of punishment before his eyes?—We superintend them; we compel them to work.

723. Do accidents ever occur from the falling of timber, or anything of that kind?—Sometimes a toe jambed, or a finger jambed.

724. What is the punishment for idlers, when they will not work?—We remonstrate with them on the impropriety of their conduct, and sometimes stop their rations; for the second offence, the Overseer thinks proper to put them into the black-hole, into solitary confinement.

725. If they are very bad, do you flog?—We do flog them occasionally.

726. Do you think that corporal punishment, if it were more frequently used, do you think it would operate as a preventive of crime, more than the punishment you at present adopt?—I think it is the greatest terror you can adopt to them.

727. You do not think it makes them reckless, and more hardened in crime?—I should think not.

728. When corporal punishment is inflicted, is it in public or in private?—It is on the main deck, in the presence of the whole of the prisoners.

729. What are the hours of labour in the day?—The present hours of labour now are from seven in the morning till twelve; from a quarter past one till a quarter past five; but as the summer advances, we lengthen our time.

730. What is it in summer?—We work from half-past six till twelve, and from a quarter past one till six at night.

731. When they have finished their work, are they taken on board ship again?—Yes.

732. At what time are they shut up for the night?—We get on board at six, and then we allow a quarter of an hour to wash themselves, and then we serve their suppers down each mess; after that we have schools for the youths.

733. Till when?—Till seven o'clock.

734. After that, what do they do?—After that, we have a general muster, and lock all up.

735. What time is that?—About half-past seven, or a quarter past seven.

736. The same hours summer and winter?—Yes.

737. Are they in large numbers together, when they are locked up?—Some of our cells hold twelve, sixteen or twenty.

738. Are they allowed any lights after they are locked up?—A lamp abreast of each cell, in the presence of the guard who walks the passages.

739. Are they allowed any candles?—They are allowed to purchase candles to mend their clothes by, and others sit to read.

740. Are they allowed to have their lights till ten o'clock at night?—The light burns in the passage all night.

741. And are they allowed to have those candles till ten o'clock?—Yes.

742. Are they allowed to have tea at ten o'clock?—No.

 743. Are

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743. Are they allowed to smoke?—No; they formerly were, but that is not the case now.

744. How long has that been prohibited?—About a twelvemonth ago there was an order that no tobacco should be allowed to come into the ship, since the private cash was stopped.

745. Are you not of opinion that mischief is done to their morals by their being allowed to communicate so freely with each other; for instance, does not the practised thief often instil his lessons into the less practised offender?—It may be the case; but I have seen no proof of the kind.

746. In fact, they have an opportunity of saying what they like to each other?—Of course, we cannot prevent that.

747. Have you any knowledge of their ever planning robberies on board the Hulks, to be committed when they should receive their freedom?—None whatever.

748. Pray what communication has the chaplain with the convicts?—At any time when he thinks proper; he lives on board the Hospital Ship.

749. Does he come often on board to see the prisoners?—Yes.

750. Has it ever come to your knowledge that skeleton keys, or any implements of housebreaking, have been made on board the Hulks by the convicts?—Not to my recollection, during my time in the Convict Establishment.

751. Any coining going on?—No, nothing of that kind.

752. Would it not be perfectly practicable to divide those large cells into separate sleeping cells, so that when each of them are locked up for the night they should be debarred all communication with each other?—It could be done with great loss of room; but where we stow 400 men now, we could not stow more than 200 then.

753. Are the men when they are locked up for the night, subject to any superintendence on the part of the officers?—They are strictly attended to through the whole of the night; I attend myself with the whole of the watch; the quarter-master and guards travel the deck; the quarter-master and guards are constantly on the deck as soon as our men get on board, and get their hammocks up.

754. Is there any playing at dominoes or cards on board?—Never.

755. Have you ever found any cards on board?—Never.

756. How long has that superintendence been observed?—Ever since the Hulks were altered; ever since they were classed.

757. How long ago is that?—They were classed about the year 1816.

758. Then you mean to say positively, that the prisoners, after they are shut up, neither have tea, nor smoking, nor cards, nor any amusement of that kind?—To the best of my knowledge, they have nothing of that kind.

759. Do not they sing?—No, we check all singing.

760. How long has that been the case?—We have not had any singing for the last two or three years; if I do hear a song, I always stop it.

761. Could there be smoking without your smelling it?—Public prisoners will get a chew of tobacco now and then.

762. Do you allow them tobacco?—No.

763. Do you allow them beer?—No.

764. Are they not allowed to buy tobacco with their money?—No.

765. Nor beer?—No, except a pint issued to them every day at dinner.

766. Do you think it would promote their health if tobacco was allowed them?—Yes, I do; I think it would prevent fever; most medical men give it as their opinion that tobacco is wholesome; I have been 17 years in the Navy myself, and I have always found it to be a very useful thing.

767. The fumigation, you think that does good?—Yes.

768. Are the men allowed to use musical instruments between decks?—Yes; we have a bass viol and a couple of violins, used in the choir.

769. Are they allowed to dance?—Yes, I have seen dancing, but when I have seen it, I have checked it instantly.

770. Are the prisoners allowed to have any money?—None, except the third of their earnings, which I pay them every Saturday night.

771. Is it not usual for a prisoner to have money through the Captain's gang?—No; they have no communication with them.

772. Do not the prisoners often rob a new man when he comes on board?—I have not had a case of robbery for six or seven months, and the last was punished with three or four dozen lashes.

773. Do you not think it possible that a man coming fresh to the Hulks, and plundered of any article of small value, would not he be afraid of mentioning it?—We generally get at it somehow or other.

774. Are not some of the prisoners who have nearly served their time allowed to sell bread and butter?—Yes.

775. How is that purchased?—It is brought by the tradesmen of the town.

776. Would it be possible for any of those tradesmen to bring the money?—They cannot do it well; they stand in the presence of the quarter-master. I do not mean to say they do not do it.

777. How much is a third of the earnings?—There are two-fifths upon 1½*d.* a day, and three-fifths at 3*d.* a day; we pay two-fifths 3*d.*, and the other 6*d.*

778. It very often happens that plots are arranged for the purpose of robbing a prisoner who may be possessed of a silver snuff-box, or any article of value?—Not to my knowledge. We muster prisoners when a draft comes from any gaol or county; I always say, "Have you any watches or trinkets of any kind?" If they have, I take it from them and enter it in a book.

779. Suppose they do not choose to produce them?—When they undress themselves in the wash-house we see that they have none.

780. They may conceal some of them in their mouths?—It is so sometimes. I once took a half-sovereign from under a man's tongue.

781. How often is a prisoner allowed to receive visits from his friends?—We have no appointed time.

782. When prisoners receive visits from their friends, are they not allowed a sort of half-holiday, a deduction being made from their earnings?—Yes; if the prisoner's friends come this morning, we allow them to stay the afternoon.

783. If a prisoner were to receive frequent visits from his friends, do you stop that?—We do not allow a visit more than once a month.

784. Do you not think it would add very much to their punishment if they were debarred all intercourse with their friends?—Yes, certainly; where a man has a wife, a daughter or son.

785. Have you any means of preventing those friends bringing money to the prisoners?—None; they sit on the deck with the quarter-master and officers.

786. Is a prisoner ever allowed to go between decks with a friend?—No, never.

787. Never with a wife or sister?—Oh dear, no; that is strictly prohibited.

788. Are not the Captain's boat's crew convicts?—Yes.

789. Are they men who have nearly served their time, or are they selected from the goodness of their character?—They are selected for their good character.

790. Are these men allowed to go on shore, and walk about the town?—No, never.

791. Not when the Captain goes on shore?—There is a guard always goes with him.

792. These men are allowed merely to row the boat backwards and forwards?—Yes, nothing more; there is always a guard goes with him, and the moment the Captain steps out, they shove off.

793. And do they not take convicts on board?—From the Chatham boat, they do.

794. Can any communication take place between the boat's crew and a new convict?—There is the Governor of the gaol, who comes with him.

795. It is impossible that they should give any money that they have?—No; new prisoners are too good judges.

796. It is said, that as soon as he gets into the boat, the boat's crew say to him "Directly you get on board, the Captain will take your money; therefore you may as well give it all to us?"—I do not believe it.

797. Does not a prisoner give it to those persons who furnish him with bread, and such things?—No; the moment they come on board, I take all their money and trinkets, and then they are stripped to the skin, and washed and shaved, and convict clothing put on them.

798. It has been stated, that when the Chatham boat comes down, it lies in the harbour, and then the Captain's boat's crew go to fetch them; and the crew inquire if they have any money, and if they have any, they say, "You had better give it to us," and then they allow them bread and sugar?—I do not believe a single word; I know convicts too well.

799. You think they would not trust each other?—No, not with the parings of

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of their nails; I pretty well know them. It is not at all feasible they would give it to a strange prisoner, who is a felon as well as themselves.

800. What becomes of the clothes they bring with them from the gaol?—If it is good, it is put into the store; if it is bad, it is torn up and destroyed.

801. You have stated already that prisoners are taken on shore every day to work?—Yes.

802. Now is there a gang of men who have nearly served their time, who are allowed to go out and work for the farmers in the neighbourhood?—No; to be sure not.

803. I mean under proper superintendence?—No.

804. Are they allowed to go into the country as far as Queenborough?—They work in the marshes, under the Board of Ordnance.

805. What description of labour are they employed on there?—Trenching and banking; sea-banking we are now at present about.

806. Have they any means of communication with the Jews or occupiers of fence shops?—No, and when a stranger comes near them, the sentry orders them off.

807. What are the guards; are they soldiers?—No, they are generally sailors; they have 60*l.* a year, and are free men.

808. Are there any free men employed with these convicts?—No.

809. Not in the Dock-yards?—No.

810. Do you think it possible that a convict could so deceive himself as to suppose that he was working for a farmer instead of the Ordnance Board, in those marshes?—No.

811. Can you state positively that they are never allowed, under any circumstances, even under the strictest superintendence, to do any thing for the farmers in the neighbourhood?—I can firmly state that to be correct.

812. Are the prisoners, when working in the Dock-yards, ever allowed to work in the stores?—Yes, there is a gang goes into the stores every day.

813. What means have you of preventing prisoners, when a number of them are employed in a large store-room, from secreting articles?—We have a guard.

814. Is it possible to keep so close a superintendence as to prevent a man stealing a copper bolt?—They cannot do it; we search them as they go in and as they go out.

815. Are there not some of the prisoners working after the others, who are sent off to the ship alone?—No.

816. Do you mean that every convict is taken in a body to the Dock-yard, and that they are taken in a body out of the Dock-yard again; and that none are allowed to remain after the main body?—Not a man; then the third mate counts them into the ship, and tells me they are all on board.

817. And do you think they cannot secrete any article?—It is impossible.

818. Suppose they were in league with any persons belonging to the Dock-yard, would it not be perfectly practicable then; could they not, for instance, put a piece of copper, or some other article of that sort, under a piece of timber?—They do not trust them so far; they watch them as a cat would a mouse.

819. Would it not be possible to find them ample work, without sending them into the stores?—Yes.

820. Would that be an improvement to the system?—Yes.

821. What do they do in the store?—Chiefly removing the stores.

822. What articles are they employed in removing?—All kinds of stores, such as are sent to His Majesty's arsenals; such as are sent to the different yards.

823. Does it not happen that particular artificers, such as painters and plumbers, are allowed to remain singly?—No, unless we have any men afloat.

824. Does it ever happen that a painter or plumber wishes to retain his man an hour or two longer?—It is very rare; it might have happened once.

825. Are any of the convicts allowed to shave themselves?—No, we have barbers on board.

826. On shore?—No, they are watched as close as possible; I am speaking of what has come under my own eye; I do not know of anything of the kind being done.

827. Is a convict allowed to receive visits from any friends who may offer themselves, without your knowledge of the respectability of the party?—We are very careful as to the respectability of those who come.

828. For instance, an old London thief?—I should not allow him to come; our personal

personal instructions say, "father, mother, brother or sister;" notwithstanding that, others do come.

829. Are the convicts ever employed on board; were good tradesmen, good workmen, such as a tailor or shoemaker, ever employed in working for the officers of the ship?—Nothing of the kind now; it was done in times past.

830. How long has the new rule been in force?—Seven years.

831. Do you know a man of the name of James Stewart?—Very well.

832. Did he make any clothes for the officers?—Not to my knowledge.

833. Is he still on board?—No, he has been gone more than nine months.

834. Did it ever occur to you, and do you think the prisoners, on the whole, find their punishment very severe and irksome on board the Hulks?—They do.

835. Do you think they dread it as much as transportation to New South Wales?—I think they do more sometimes; in the Hulks we often get volunteers to New South Wales; men begging to be let go there.

836. Do you not think it would answer every purpose of punishment, if these men were kept still more strictly, by being locked up in separate cells at night, being precluded from receiving any visits from their friends, and not to be allowed even to receive a letter from their friends, to undergo a shorter duration of punishment?—I am not a competent judge to answer that question.

837. Have you seen much of prisoners that have been going out to New South Wales?—I have seen every draught that has gone from the different Hulks.

838. Do they mind it much?—Some men are ready to break their hearts, particularly married men.

839. That is merely the effects of separation?—No, but youths also.

840. Do you think they dread much the treatment they shall meet with in New South Wales?—It is hard for me to tell.

841. If you were to offer them their choice, which would they prefer, going on board the Hulks, or being sent to New South Wales?—I should say nearly half-and-half.

842. Do they not prefer staying where they are, and the punishment on board the Hulks, from their disinclination to severities, which may connect them with this country?—Where a man has a family tie in this country, he does not like to leave it.

843. Is it not that which causes so much grief in their minds?—I think it is.

844. Supposing that for very enormous offences, for which a prisoner is now sentenced to fourteen years' transportation, or for life, that, instead of sending him to New South Wales, he was sent on board the Hulks for a year and a half or two years, during that period to be locked up by himself every night, instead of being allowed to sleep in a cell with ten or twelve companions, to be precluded from all intercourse with his friends, even by letter, and to be worked as severely as he is now, would it not tend very much to increase the terror which they now feel, and consequently act as a preventive to crime?—I think that would be dreadful in the extreme.

845. Do you think it would act as a check on crime?—I think it would.

846. Are not the visits of friends frequent?—Yes, Sir.

847. Are there not many convicts about whom no person inquires?—Hundreds.

848. Are there a good many convicts who receive no letters at all?—A great number none at all; no letters; not a line.

849. You read all their letters?—Yes.

850. And all they send?—Yes.

851. Would it be possible to send letters without your knowledge?—No doubt it has been done; you must know, in a body of men in the Dock-yards, they will have intercourse.

852. They can write letters when they are locked up?—Yes; but we search them.

853. Do you not think, setting aside all consideration of difficulty with respect to the apportioning of these cells into smaller compartments, that it would improve the discipline of the ships very much, if the lights were put out at eight o'clock every night?—I think it highly proper that these men should be looked after.

854. In what way?—Looked after all through the night; all the night through there is a little lamp which hangs in every cell; and if a man gets out of bed to go to the convenience, it is immediately reported to the quarter-master.

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855. Would it not improve the discipline of the ships, if you were to prevent them having the candles you talk of, and amusing themselves as they do, till ten o'clock at night?—We allow them to have a candle to render themselves cleanly, and to mend their clothes; sometimes they will take a good book, the Bible, to read; some read to the whole cell.

856. You are aware that the prisoners in the Penitentiary are locked up separately, and not allowed to have lights?—The third mate of the Leviathan, from whom I received the information, stated that to be the case.

857. Why should not that be employed in the Hulks?—I should say that that is not safe.

858. I mean putting out the candles?—I believe it is the case in some of the Hulks.

859. And oblige them to turn into their hammocks at eight o'clock?—Yes, I think that should be so.

860. Do you ever use solitary confinement as a punishment?—Yes.

861. What was the effect of it?—It has had the desired effect.

862. When you imprison them in this solitary confinement, do you take away the candles?—Yes, they are not allowed any light; they have only air through a small hole; they are confined night and day.

863. How long do you keep them?—Eight days, on bread and water; when we give them the ship's allowance, we keep them as long as we like.

864. Do you find in eight days that they like it?—They do not like it at all; we have been compelled to remove them. The doctor visits them every day.

865. You are obliged to do it under great caution?—Yes.

866. On whom has solitary confinement most effect, men or boys?—On middle-aged men.

867. Youth it blows away from soon?—They soon forget it.

868. Has it most effect on well-dispositioned men?—I can hardly say; sometimes our black hole is vacant for six months.

869. How long did you ever confine a man on the ship's allowance?—I recollect a fortnight.

870. Do you think solitary confinement has the most effect on regular bred thieves, or on others?—I think on regular bred thieves.

871. Do you find, when you are under the necessity of putting a man into the black hole for more than a night, do you find yourself under the necessity of making a report to Mr. Capper?—If there is any complaint, that generally came to me as first mate of the ship; and if it is of a heinous kind, I report it to the Overseer.

872. Then it is at the discretion of the Overseer?—Yes.

873. You do not know what becomes of them after they leave the Hulks?—No.

874. Have you ever been acquainted with any person who left the Hulks who afterwards took to honest courses?—Yes.

875. Many?—Twenty.

876. Many that are now reformed?—Many that are now living honest, sober lives.

877. Do not the greater part of them come back again?—No.

878. A great many do?—Yes, a great many do.

879. Is not that owing to their finding it impossible to get employment?—Yes, entirely.

880. Has it ever occurred to you it would be as well for the men's own sake, as for the advantage of society, to send these men abroad?—I cannot answer that question. I know there are some men who would as soon lose their lives as leave it, and others rejoice to leave it; especially where there is a family tie they would wish not to leave it.

881. Young unmarried men would prefer being sent abroad?—A great many.

882. A good many of them have connections without marriage which make them very much attached to this country?—Yes, it is the case.

883. When they leave the Hulks they carry away the amount of their earnings?—Yes.

884. How large a sum does it ever amount to?—We pardoned one man on Friday who had served eight years and three months; I paid 21 *l.* 14 *s.* 8 *d.*, that is, two-thirds of his earnings since he has been there. I paid another 10 *l.* odd, who has been pardoned within these last four days.

885. Men

885. Men under seven years' transportation, does it frequently happen they serve their whole time?—If they transgress, they do.

886. If they do not, you generally let them off at four years?—Yes, sometimes; a short time ago there were eighteen ready for recommendation.

887. If a man is sentenced to transportation a second time, do you send him abroad?—Send him abroad.

888. You never allow him to serve the whole of his time in the Hulks?—Never; unless he is rejected by the surgeons, or men who are sixty or seventy years of age; those would be an incumbrance to the Colony when they got out.

889. Did you ever have any convicts sent to you who were educated convicts?—Yes, I have had them.

890. When you have had any of these sent, do you make them work equally with the others?—Yes; they go into the Dock-yard and help to stow away timber.

891. Do these educated convicts soon acquire habits of labour?—Yes; not so soon as the others.

892. Do you find that these educated convicts are more difficult to manage than the others?—We find no difficulty in managing them.

893. You show them no particular favour?—None, whatever; they go to labour, and are treated in every respect like the others.

894. Are they able to work with the others?—After a short time they become accustomed, like the general labouring men.

895. What do you consider the most severe labour you can put a convict to; I suppose clearing out the mud is the most offensive?—Yes, that is the dirtiest work.

896. If a man misconducts himself, do you ever put him to that which is most annoying?—No, we treat them all generally with labour alike; there are men, such as painters and plumbers, they are single-stationed men.

897. Have those men the power of committing depredations?—They are not under my eye at all times; if they do, they are soon turned out again.

898. Here is one man making putty, I see?—Yes.

899. Here is another attending the fire?—Yes.

900. Here is another man casting articles at the foundry?—Yes; that is a man who has brass in his possession all day; he is a fourteen years man, and he would not give you a paring of a nail of brass, because his situation depends upon it.

901. Do you not think it would be better if men were employed singly in that sort of way, and never allowed to have any thing to do with the stores?—I was always against single-stationed men; I am always for employing men in bodies, with guards; there is no guard with a single man, not a single-stationed man.

902. Would it not be better to do away with the single-stationed men altogether?—I should say it would be very right and just to do away with them.

903. And employ them in heavy laborious work?—Yes, that is what I should say; it has the greatest effect on prisoners.

904. Do you think it would be better?—There is nothing has a greater effect on a man than keeping him hard at work.

905. What men are the guards?—Chiefly men of good character.

906. No convicts?—No.

907. You think it is not possible for them to be corrupted by the convicts?—No; our instructions say, we are to give our orders in as few words as possible, in a firm manner.

908. You never suffer the guards to talk with the convicts?—No, never.

909. At any time when there is nobody with the guards?—The second mate and myself are in constant attendance; we inspect from gang to gang every opportunity; through the day I go on shore with them; the second mate is on shore likewise.

910. Now there are two whole days here in which none are employed in consequence of the fogs; how do you do in rainy weather?—We have not lost a day for three years before.

911. But when such fogs, or any such causes exist for not having them out, what do you do with them?—They are locked up below in their cells; we are compelled to keep them on board for the safety of the men. Yesterday morning we sent them out, and I can assure you we could hardly see our hands before us.

912. What description of men do you leave on board to take care of the ship?—Men of good character.

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913. What number?—Their number is about twenty-seven, ample efficient men to take care of the ship.

914. Are the small number of men, the guards, able to make any effectual resistance against the convicts, if they were to endeavour to make their escape?—We are all provided with arms.

915. Loaded muskets?—No, we never load; we have an arm-stand where we can fly to instantly; but there is no fear of that. I assure you, were you to pass through our decks about half-past eight or nine at night, you would hardly hear the sound of any body: after a man has worked hard for nine or ten hours he is glad to retire to rest.

916. What do you do with the old men?—We put them to pick and to spin oakum.

917. Where?—In the store.

918. Would it be possible, under any regulations, to make them work in silence, without communication?—It would be morally impossible, when you are walking 50, or 60, or 100 men together.

919. Do they talk much in fact?—Very little; we do not suffer them to talk at all.

920. Do you think that a convict pays his expenses by the labour that he does?—I should say he does; but you know what Government allows.

921. How long do you keep a life-prisoner on board the Hulks?—They are all forwarded, if not refused by the surgeons; they were kept in the country in times that are past.

922. What do you mean by times past; in your recollection?—Yes.

923. How long had this life-prisoner served whom you pardoned yesterday?—Eight years and four months.

924. What was his offence?—I think it was receiving stolen goods; his son was convicted with him at the same time, and he went out of the country; the one pardoned was refused by the surgeon.

925. If a convict pays, what objection is there to sending a life-prisoner on board the Hulks?—I approve of some being kept; they turn out, in general, to be the best men in the Hulks.

926. Is not the difficulty of finding the means of an honest livelihood after leaving the ship, the great objection to keeping them in this country?—There are many who do obtain an honest livelihood.

927. But generally speaking, they find a difficulty in obtaining employ?—They are not liked; all other persons look on them with a jealous eye. If a man commences his labour when he begins at the Hulks, he will take away about 12 *l.*; but if he is a stripling, we keep him on the second class; he is not adequate to perform a day's labour like a strong man, since the Government has adopted the plan of classing the men. There is 1 *l.* allowed by Government to a prisoner on his discharge, to purchase a suit of clothes, and twopence a mile travelling expenses, to take him home.

928. And do a good many go home to their friends?—Particularly married men.

929. Did you ever, on board the Hulks, hear them speak of the Penitentiary as being more severe than the Hulks?—Yes.

930. And they dislike the Penitentiary still more than the Hulks?—They dislike the Penitentiary, because they are confined so closely at night.

931. You state that the men are not locked up in their cells till seven o'clock?—Seven o'clock at night, throughout the year.

932. What do they do in winter, when the days are short, between the expiration of their day's labour, till seven o'clock?—A great part of them are employed in reading; those who are not reading, many of them, go into their beds after seven o'clock at night.

933. Suppose the days are short, what time in winter are the men mustered on board, and turned down below?—We will say half-past four.

934. From half-past four till seven is relaxation?—Yes.

935. Do you think this psalm-singing, with music, on board, leads to any good effect?—I do not think it does any harm.

936. You think it does no harm?—It is only a select part; they retire to chapel.

937. Do you think, generally speaking, that the worst convicts are those who are educated or those who are not?—Generally speaking, they are the most crafty.

938. You

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938. You stated that the prisoners are closely watched from the time they are shut up?—Yes.

939. At the same time are you not ready to admit that, if there is any relaxation on the part of the officers, the prisoners may commit excesses which are not allowed by the rules of the establishment; would it not tend to ensure a strictness of discipline if they were to have their suppers as soon as they came on board, and were then to be shut up for the night?—They are ten or twelve together.

940. And are allowed talking and singing?—You would not hear a song once a twelvemonth.

941. Have you any Catholic prisoners aboard?—I have never heard of any.

942. Have you not occasionally a good many of the lower orders of Irish?—Very few.

943. Have you ever had any application for a Catholic clergyman to come to the prisoners?—I have had at Portsmouth, but not here.

944. In what way do the convicts spend the money which they receive weekly; a portion of their earnings?—They are allowed to purchase bread, butter, tea, sugar, coffee and vegetables.

945. Then they can only expend it in a certain manner?—Only in those articles I have hitherto named.

946. Not even tobacco?—Not in our ship. I do not mean to say they do not get a pipe of tobacco, because I firmly believe they do. We sometimes smell tobacco, but cannot find out where it comes from.

947. You have told us that you go on shore every day with the prisoners, and that you remain with them as long as they remain on shore?—Yes.

948. You have also stated, that prisoners, when they receive visits from their friends, are allowed to remain on board?—Yes.

949. How can you tell, of your own knowledge, that these prisoners may not be allowed to go between decks with their friends?—Our third mate is as close to them as I am to you.

950. He remains?—Yes.

951. Is he a person capable of having dust thrown in his eyes?—No; I consider him a competent man. We do not wink at anything that is not proper.

952. You think it perfectly impossible for a man to go between decks without the knowledge of the third mate?—It is impossible. As for a woman or stranger going down, it is quite impossible; the guard stands at the gangway, and your friend, or your husband, or your brother, or whatever he may be, comes up.

953. With whom rests the power of admission or exclusion?—If I am present, it is with me; if I and the Overseer are not present, it rests with the third mate. The instructions strictly specify it.

954. Then, in fact, it is with the senior officer who happens to be present?—Yes, there is always an officer on deck; come early or late, morning, noon or night, you find an officer. I make it a practice to leave the deck at eleven at night myself.

955. Have you the complete control?—There is an overseer over me.

956. What is his name?—Mr. Hatton.

Lunæ, 5° die Martii, 1832.

Colonel Sir *John Thomas Jones*, Bart., called in; and Examined.

Colonel Sir *J. T. Jones.*

5 March, 1832.

957. ARE you a Colonel in the Engineers?—I am.

958. You command the Engineers at Woolwich?—I do.

959. The works carried on by convicts come under your superintendence?—They do.

960. Have the goodness to state to the Committee what is your opinion in respect to the labour performed by the convicts; is it as efficient as labour performed by freemen under similar circumstances?—It cannot possibly be as efficient as that of free men; they do not work the same hours, and have not the same strength, nor have they the same inducement; but I think we get fully as much out of that body of men as can be expected. They work cheerfully; many of them work well; and they are employed on many duties which we should not like to employ other persons on; dirty work of various descriptions.

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960*. Work of a most disagreeable nature?—Yes.

961. If there is work of that description to be performed, you put a convict to it rather than any other person?—Yes.

962. Is the labour sufficiently severe to be extremely irksome?—Not at all; the labour is just sufficient to keep them in health and exercise.

963. It is not severe?—No.

964. Not more than would be given to any free man?—Not so much.

965. Do you not think that for the purposes of punishment it would be advisable to render it as severe as possible?—I do not think the situation of a convict at Woolwich can be considered penal; it is a state of restriction, but hardly of punishment.

966. Have the goodness to give the Committee a detail of their proceedings from the time of their landing till they go on board again?—They generally perform the same work as the free men; but with the one it is so much his interest to be well considered, that he generally works steadily; the other works only while there is an eye upon him.

967. How many hours do they work in summer and in winter?—They ought, properly speaking, to work the same number of hours as the free men, but there is a considerable period lost in bringing them on shore and taking them back again, and there is time lost in the musters. Some of the keepers being on duty as guards during the night, are not sent on shore for the first hour of work; and in consequence, at one period of the year, their proportion of the convicts do not land till eight, while the free men come at seven; there are also broken periods, but the general rule is, that the convicts should work the same number of hours as the free men.

968. Would it not be possible to make arrangements that they should work the same number of hours?—There is no doubt that they may be made to attend and come on shore without inconvenience to the convicts themselves, and to work as many hours as the free men.

969. How many hours do they really work?—They work at different parts of the Arsenal, some farther off and some nearer to the Hulk, and they are all obliged to be collected and to pass muster before going on board; during which periods the free men continue to labour. Sometimes there are 300, and sometimes only 150 convicts on shore, and collecting and mustering them takes a longer or shorter time in proportion to the number; but, generally speaking, from an hour and a half to an hour and three quarters is lost every day.

970. Is the employment for the ten hours in winter and summer?—No, it varies with the light; I think we never get below eight, nor ever exceed ten hours, varying as the days lengthen and shorten.

971. Then, in point of fact, when they are nominally working eight hours, they are working only six and a half?—Just so.

972. Are the men always employed in gangs, or are there those who are called single-station men, employed separately in different places?—I think not enough to make an exception to the general rule of employing them in gangs: there is here and there an old man singly employed, whose time is nearly out; but it is a rare exception. Generally speaking, they work in gangs.

973. Do they work in irons?—They have each an iron on, but it is very light.

974. Are they employed much in the stores?—Within the last five or six years, there has been a gang of about fifty employed in moving stores.

975. In your opinion, have they any opportunity of purloining any of the stores?—Most assuredly not; I consider the convict to be the safest man we have in the Arsenal, as far as purloining goes; he could not get any thing he might purloin out of the Arsenal; he could only take it on board the Hulk, and there they are so well searched, that I think it utterly impossible he could escape detection.

976. May not those men who are employed as single-station men, purloin?—They are not sufficiently numerous to be noticed; there are not half a dozen men at the present time who could be trusted singly.

977. It being the object of the Committee to ascertain the best means of giving effective employment to the convicts, can you suggest to them any mode of employing the convicts which would have that effect?—No, I really cannot. I think the system at Woolwich is very good; it works well; but as I have said before, it can scarcely be considered punishment. I think it is the height of folly paying the convicts for their labour.

978. You mean to say, that they should not be allowed to have any portion of their

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their earnings to spend?—From the commencement of 1831, the order of the 12th August 1826, for paying the convicts 3*d.* a day each for their labour, has been modified as follows: To earn in the proportion of three-fifths, 3*d.* per day, and two-fifths, 1½*d.* per day; the former continuing to receive 1*d.* per day as pocket-money, and the latter to have only a halfpenny per day for that purpose. The number so paid by the Royal Engineer department is one hundred and fifty, and by the other department in this Arsenal, is sixty; all convicts above those numbers work gratuitously. The money laid by till their period of service is out does not tend to make them work better. In the first place, there is an uncertainty of living to receive it, and we all know that a sum of money thirteen or fourteen years hence is very little looked at; and I understand from the keeper, that several who have received 10*l.* or 15*l.* have come up to their old companions, and having spent this money in drinking and debauchery, have soon found their way back.

979. Do not you think, when a man is turned loose from the Hulks, having to contend with the difficulty of finding a situation from his former character, that if he was sent pennyless on the town, he would from necessity resort to bad courses?—Then I would let the men, on being discharged, have a sum of money, at the discretion of the proper authorities. Paying all equally for their work has a bad effect; a man says, "I get only the same as my neighbour, whether I work well or ill;" and a good mechanic is naturally enough dissatisfied when he sees those who are able to earn very little receive an equal reward with himself. I think there should be a discretion in the Captain and Superintendent to give five or ten pounds to each liberated convict, the amount being made to depend on their conduct and character.

980. You state that you do not disapprove of their having a penny a day, to be spent while undergoing their punishment; do not you think that the withholding that would be a great aggravation to their punishment?—Most assuredly it would; but I look merely to benefit the works, and I should recommend, as far as I am concerned, doing that which would induce the convicts to perform more labour.

981. With reference to the punishment, do you think that the withholding that three-pence a day would be desirable?—I think it would add to the severity of the punishment.

982. Under proper regulations, paying them according to their good behaviour, and allowing that fund to accumulate, to be paid to them upon their discharge, you think probably that that would not be so objectionable as it is at the present time?—The payment of one penny per day, made weekly to the convict, may have some beneficial effect on his exertions; but the two-pence per day, laid by till his period of confinement expires, is money absolutely thrown away, as far as the public works are concerned. Some two or three convicts, who have conducted themselves well, I have, on their being discharged, engaged as free artificers for a few months, in the hope of re-establishing their character in society; but of course, on a reduction of workmen, they were the first discharged, and they fell into great distress, from not finding employment in consequence of having been in the Hulks.

983. From all you have known, are you of opinion that it is advisable to send all persons, who are sentenced to the Hulks, abroad, instead of throwing them again on society at the expiration of their time?—I have no doubt upon that point; the confinement in the Hulks should be merely with a view to transportation.

984. Could means be devised, by increase of labour, or any other suggestion you can throw out, of making the punishment, while the people are on board the Hulks, very irksome and severe, but for a shorter duration than during the present, always considering the convicts merely *in transitu* to the penal colonies?—I do not think I could suggest any thing. I have known the convicts at Woolwich a great many years, first and last; I knew them there thirty years ago, and then there was a great deal of severity used towards them, and the men conducted themselves extremely ill; now there is no severity exercised towards them, and the men conduct themselves very well; probably there is not a better establishment than that at Woolwich; I go round the works every day, and in consequence know many of the men's faces, and they appear to me contented, if not happy.

985. What was the description of severity exercised towards them thirty years ago?—There was a habit of striking them on all occasions, they were very heavily ironed, and they were not separated when on board as they are now.

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986. Do you not think that without having recourse to corporal punishment, which may have a tendency to degrade the minds of men, means may be devised of making the punishment irksome, by an increase of labour while on shore, and by more strict discipline while on board?—I do not consider them as under penal treatment; many of my temporary labourers would be glad to exchange with them, but for the odium and disgrace of being a convict.

987. Do you think that seeing the manner in which the convicts are treated, is likely to have any tendency whatever to deter others from the commission of crime?—I should think the disgrace would have the effect, but I think the convict, generally speaking, is better treated, and altogether has a better life of it than the labouring poor of England: the Hulks are remarkably well regulated; and if I was desirous to make men comfortable while in a state of confinement, and to keep them healthy and cheerful, I should follow the system pursued in the Justitia.

988. Do you think that the labour of the convicts is sufficient to pay the expenses of their maintenance?—Yes; I think it ought to do so; that is to say, it ought to pay for their victuals and drink and clothing: we pay our labourers 2*s.* a day; I should say, one with another, the convicts earn 1*s.* a day; there are some employed on work for which we should have to pay very highly, such, for instance, as loading barges whilst up to their middle in mud; we should have to pay 3*s.* a day for that work; and some of the convicts are good artificers.

989. Is there a regular supply of work of the unpleasant nature you have referred to?—There is at Woolwich; the press of general work, however, varies, but when they are employed they certainly maintain themselves.

990. When they work in mud, or in water, do you not give them better sustenance?—No; we used to do so, until the three-pence per day was put on in 1826. I had the privilege of giving them a certain quantity of beer and biscuit; I could give them three pints of beer, and three ounces of biscuit, in the course of the day; then I used to give the men who were working in the mud more than the others; they were all eligible to have it, but it was only given to a few, and in proportion to the report of their conduct; by which means we got a great deal of work out of them, and for much less than the present payments.

991. You stated in the early part of your examination, that the men had not strength enough to go through the same labour as the free labourers?—Yes; I think that men fed as the convicts are, would not get through the same quantity of labour as a man working for his own gain. If I were to hire a man, and pay him by the yard, he would drink porter, and excavate seven or eight yards in a day; whereas those men would not excavate more than three or four yards.

992. Is there any mischief, as far as you are aware, arising from the practice of convicts being recommended for remission of sentence?—The cases have been very rare. I have recommended two men, and I think that it did good. In both cases I hired the men as free men, on their being discharged; I think it stimulated the others: they were cases which were not very disgraceful, in comparison to other cases; they were both very excellent mechanics, and had earned a great deal of money for the works during their confinement.

993. Those were recommendations on your own part, proceeding from good conduct; can you speak to the effect of recommendations by others?—No, I should wish not to speak to that point.

994. Is there any work carried on beyond the district of the Arsenal by the convicts?—The convicts are not permitted to pass the walls of the Arsenal; there have been half a dozen good men trusted outside for some particular job; there is a gravel pit just without the walls, where we frequently send a gang to load gravel; occasionally there have been men employed at the butt, and in the practice-ground adjoining the Arsenal.

995. Do you use precautions to prevent their escape?—Yes, they are under a guard of thirty men.

996. Are they worked there mixed with the free men?—Yes, we work them together; in fact, the men are so well behaved, we do not distinguish them.

997. Is there any classification of the convicts?—On board ship, but we do not take any cognizance of that.

998. Your works are conducted without any reference to the character of the individual?—Yes, entirely.

999. Are the boys of the Eurydice ever employed by you?—No, we have none but the convicts on board the Justitia.

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1000. Would it not be an improvement in the discipline of the convicts if there were to be no exception to the employment of them in gangs?—With respect to the detail of their employment, it depends upon circumstances; according to the work we have, we divide them into as many gangs as our sentries will admit; they are not allowed to be without a sentry, except in the case of some half dozen men.

1001. If a man neglects work, what mode of punishment have you?—I should complain to the Superintendent, who, I have no doubt, would give him corporal punishment.

1002. Does not the power of stopping their weekly allowance give you a means of punishment?—We never have stopped it.

1003. Have you the power to stop it?—I should think not, except so far as this; I would not give a man any thing, unless he had earned his three-pence.

1004. Do the boys do efficient work?—Yes, they work in carts, instead of horses.

1005. Are they allowed, then, three-pence a week?—No; we limit the number to whom we give daily pay to 120.

1006. How are they selected?—The selection is between us and the Superintendent; we first of all take out 120, whom we consider as able working men, and the rest work gratuitously.

1007. Then, in point of fact, this acts as a reward?—Yes, they would all have got it, but I found the expense so high that I declined to employ more than 120, if obliged to pay them. The order was that the whole should be paid.

1008. Although only 120 receive the allowance, what is the number you employ?—We generally exceed 200; and there is another department, the Storekeeper's department, pays 50, and they come on shore, sometimes as many as 300.

1009. Do not those to whom you pay no gratuity receive any thing?—No; I have reason to believe that there is some arrangement with the Superintendent of convicts, by which they change the men who shall receive it, so that some men receive one week, and some another.

1010. You imagine, that by some contrivance or other, the whole number of convicts get, from time to time, 3*d.* at the end of the week?—Yes, except the boys.

1011. In bad weather, in what manner are the convicts worked?—Not at all, except the artificers; they work under cover; the great body of convicts are idle during foggy and wet weather, being kept on board.

1012. Have the free labourers any exemptions?—We are not allowed to exercise any feeling towards them; the order for their regular attendance on the work, be the weather good or bad, is imperative.

1013. If the free labourers are allowed to work, and if they work, is there any objection to compelling the convicts to work?—Yes, I think there is; they have but one suit of clothes, and if they get wet, then they have no means of drying or changing their dress, and they would have fevers and rheumatism.

1014. If they were to strip and turn into their hammocks on going on board again, would not they escape those disorders?—I do not think that any thing could be made of their exertions in very bad weather. The free labourers do not do much, though they attend; but in hard rain the convicts could not be got to do much. The free labourers must be at their work by six o'clock in the morning, according to the Government regulations, and remain there during the hours of labour; and to insure their presence their names are called over in the intermediate time. There is a discretionary power with the officers to employ them as they can; but in wet weather we do our utmost to put them under cover.

1015. You think it would be impossible to employ the convicts in that way?—I do not think much benefit would arise from it.

1016. Can you give the Committee any Return stating the precise number of days during which the convicts were exempt from work in consequence of bad weather, from the 1st of January 1831 to the 1st of January 1832?—The number of working days on which the labouring convicts did not work in that period was twelve, including the days of absence from causes of every nature.

1017. Are there frequent accidents happen to convicts in hauling timber, or labour of that kind?—No, I should say that it is a very unusual thing.

1018. Do you imagine that if a severer system of labour were enforced, it would materially interfere with the quantity of work the men would do by depressing their spirits?—Formerly when there was greater severity used the men worked badly, and I think the men now work with a great deal of good humour and cheerfulness, and so they ought to do.

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1019. Do you think that the imposing any more restraint upon them would have an effect in diminishing the quantum of labour?—No, I do not see why it should.

Mr. *Oliver Lang*, called in; and Examined.

Mr. *Oliver Lang.*

1020. YOU are master shipwright of Woolwich Dock-yard, are you not?—I am.

1021. Have you any thing to do with the superintendence of convict labour?—the convicts' labour which is carried on in the works in the Dock-yard is all under my direction, the mechanical part of it.

1022. What number of convicts are employed by you?—About 350 now; we have had but 300 till lately; they mean to raise it to about 400, I believe.

1023. Have you ample employment for that number?—Yes.

1024. How many hours a day do they work in summer, and how many in winter?—Five hours in the morning, from a quarter before seven till a quarter before twelve; then they come out again at about a quarter before two, and work till twenty minutes before six; that is in summer, making about eight hours and three quarters.

1025. That is exclusive of the time employed in taking them ashore and returning them?—They leave their work about twenty minutes before twelve, then they are mustered and all in their ship before twelve.

1026. That is the number of hours they are actually employed by you at work?—Yes; in winter they come about half-past eight, and leave about twenty minutes or a quarter before twelve; they come again about half-past one, and are mustered about twenty minutes or a quarter after four, to go into the ship again.

1027. During the time they are at work, is the work pretty hard?—Not over hard; not harder than labouring men would do that are not convicts, the civilians employed in Dock-yards.

1028. The labour to which the convicts are exposed is not more severe than that of ordinary labourers?—No.

1029. And they work a less time?—Yes, they do.

1030. Do you think they do as much, during the time they are employed, as free labourers?—Yes, I think they do; they are kept to their work; there are times when they cannot all be employed; sometimes there are large companies of them together; there is not work enough for the whole; and they do not divide them to different jobs; in consequence of this, part of them are standing still.

1031. Cannot that be corrected by making the gangs smaller?—Yes; and when I have applied to have that done, the objection to it, on the part of Mr. Capper's department is, that it would increase the expense to employ more guards to look after the people; but there is a loss of labour in consequence; and the labour would, in my opinion, cover the expense; the Government would feel the benefit of it.

1032. What is the description of work on which they are employed?—Drawing timber to the pits; large logs of timber, which horses did in former times; then they have canting logs of timber, heavy logs; there is a little heavy work in carrying coals, but that does not happen very often; then they are allowed some beer and biscuit in unloading colliers, and taking them to the coal-cellars. There is another heavy description of work, excavating, when they are allowed beer and biscuit.

1033. Do they prefer that work in consequence of the allowance?—They never object to it; probably they prefer it on that account.

1034. Do they require that extra sustenance?—I think they do.

1035. Do accidents frequently happen?—No, I think not frequently; they are not so liable to accidents as our shipwrights, because the shipwrights are suspended on stages round the ship, and there is more likelihood of danger than to persons working about the yard; accidents do not very often occur in the yard in the convict labour.

1036. Does it occur to you that, setting aside the moral degradation, there is any thing severe in the life of a convict?—Not at all in our yard.

1037. Do you think a labourer would have any objection to exchange places with him, setting aside the moral degradation?—Many in Woolwich would be glad to do it, and would be much better off.

1038. Would it be possible to make the labour more irksome and severe than it is now?—It used to be the custom to strike the men, and drive them to their work; that is never done now.

1039. Do

1039. Do not you think that that had a very injurious effect?—Yes, the men are more orderly now; I never have fault to find with them.

1040. Do not you think a moral restraint might be imposed, which would make it really punishment, and not a punishment merely in name?—I cannot say as to that; they might be kept rather more strict at their work, provided there were more guards to look after them.

1041. Does it appear to you, that the labour they undergo is more than is required to keep them in health and exercise?—No, except in the two instances I have referred to; then they have extra subsistence.

1042. Are they worked in irons?—That depends upon the year of servitude; in the first instance they have a heavy iron and chain; after some time the chain is taken off, and a large ring put on one leg; then, as their time comes shorter, they reduce it to a small ring round the leg; after that, if they commit any offence, they put a heavy iron and chain on them again, and keep them a certain time under that punishment for their conduct; that is the only punishment I have seen inflicted. I have seen them threatened to be flogged, but I never saw them flogged.

1043. If you find them not willing to be worked, what punishment have you?—We report them, and they put a heavy iron upon them, but it is very rare now; they work extremely well, and by encouraging them, telling them that we will give them a job which would not in the ordinary mode be done well under a day, they get through it in three quarters of a day; if we tell them that they shall return to their ship when it is done, they work with great cheerfulness and get through it; I used to do it at Sheerness. The men behave extremely well, better than might be expected of them.

1044. Have you ever been on board the convict ship?—Yes, many times.

1045. Have you ever been on board after they were shut up at night?—No, never.

1046. Would it not be practicable to partition the ship off into separate cells, so that each convict should have a cell to himself?—The ship would not hold them.

1047. Supposing there were fewer on board a ship, might it not be possible then to have a separate cell for each convict?—No, it would not contain a quarter of the number; they would not be in health; they could not be stowed in the ship, and have light and air. I think they might be divided perhaps rather better than they are now; a certain number who are of good character might be kept to themselves; there are some of much better character than others; some were sent not for theft, but for smaller offences, and many of them appear steady men. We have had no fault to find with them in regard to their conduct.

1048. Have you many men employed as single-station men?—Not many.

1049. Have not those men who are thus employed alone an opportunity of purloining stores?—I do not know how they could get them out of the Dock-yard, or how they could get them into the ship; they are searched as they go on board.

1050. Have they not an opportunity of communicating with the free men in the yard?—We endeavour to prevent that as much as possible; they are watched as narrowly as they can be.

1051. Are the free men ever allowed to work in company with them?—No; we have no free labourers in our yard, only the mechanics and workmen, who have nothing more to do with those convicts than when they bring them their timber to work.

1052. Do you think it would be possible, if a convict had stolen a copper bolt, for him to obtain the assistance of a mechanic in disposing of it?—There might an instance of the kind occur possibly.

1053. Do you think that by any change of system that could be prevented more than it is at present?—No, not while men have communication with the Dock-yard. We have this done, which I think is a very good thing; I proposed it to the Lords Commissioners of the Admiralty, when they were in the Dock-yard, to put sentinels outside the Dock-yard; the store-houses have windows by which they might throw things out of the store-house, and they might be taken away; but while there are sentinels on the outside they can have no communication with the people inside, and they would detect it if any thing was thrown over the wall. I did it at Sheerness, and it had a very good effect, and there were no thefts committed in the Dock-yard, nor robberies in the town in the neighbourhood of the yard, in consequence of the guard being there.

1054. Are the men ever employed outside the Dock-yard?—Never.

1055. They have no means of communicating with people in the town?—No; no more than that the persons or children that bring in the breakfast might take out a note for them privately; but they have no communication with them personally.

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1056. Would it be possible to find accommodation for one-third of the prisoners now on board the Hulks if the ships were partitioned off, so that each man should have a separate sleeping cell?—I cannot tell unless I tried the number from the size of the ship.

1057. What description of ship, in proportion to its size, would give the greatest accommodation?—A large ship would be the best certainly; there would be a better height between decks, and there would be better light.

1058. Do you think that the average earnings of the prisoners are sufficient to pay for the cost of their maintenance?—Yes, I should think so, when they are kept properly at work.

1059. Can you make a Return of the value of the labour of the convicts under your charge during the last year?—No, I have no means of doing that.

1060. Who superintends the men when they are at work?—There are guards over them, and the boatswain of the Dock-yard, under me, directs them what they shall do.

1061. Are they allowed to talk while they are at work?—Yes; I cannot prevent their speaking, but there is no disorder in their conversation.

1062. Would it not be easy to make them work in silence?—I think not very easy.

1063. You state that in the summer the convicts do not come till a quarter before seven; do not the free labourers come at six?—No, not in the Dock-yard.

1064. Have the free labourers their breakfast before they come?—No, not in the summer; the convicts have their breakfast before they come.

1065. Is it not the custom of the country for agricultural labourers and others to come to their work at six in the morning?—I cannot speak to that.

1066. Have you made an estimate of the work of a single convict labourer?—It is more valuable at some times than at others; depending on the work they are employed on.

1067. What is the average of their earnings during the week?—I cannot state that; it is out of my department.

1068. Sometimes you say that there is not work enough for those who are in attendance?—Sometimes there is not.

1069. Supposing ninety there, perhaps only sixty do a day's work?—Probably about seventy do a day's work; if they were divided they might all do a day's work; there is work enough for them.

1070. Therefore any estimate of the quantity of work done from the labour of one would be incorrect?—Certainly.

1071. Can the Committee be furnished with an account of the labour actually performed?—I do not know, but I should think they could; there are some of them worked by task; there is an account certainly kept of that.

1072. You have already stated that the labour performed by convicts is any thing but severe; would it not be possible to exact more labour from them?—Yes, but probably they would be fatigued unless they were allowed something more, as is the case where they have very hard work.

1073. From what you know of the diet of convicts, do you think they are worse fed than the free labourers?—I do not know how they are fed; sometimes they have beef, I know; but I believe there are days that they have no flesh, only bread and cheese.

1074. Judging from the means you have of ascertaining, do you think they are worse fed than the agricultural labourers of the country?—In the bad state of affairs they are better off than those men, I have no doubt; their bread, I believe, is more coarse than the day-labourer would get.

1075. Are they upon the average as well fed as the common labourers of the neighbourhood?—I believe they are.

1076. Do you think they do as much work as the common labourers?—I think they do when they are fully employed.

1077. There is plenty of employment, you say?—Yes, we have a great deal of employment in the yard; if they were more divided, more might be done.

1078. Do they appear very much exhausted?—Some of the men are exhausted, but not the larger proportion of them.

1079. Have you ever had any convicts under your charge of rather a superior class; men who have been clerks in any office?—There have been a few of that description, but very few; I have not known any thing of them.

1080. If there were any of them, they worked just the same as the others?—Yes.

1081. You

1081. You would not discover from their not working as well that they were persons of that description?—No, there were persons of that description sent to Sheerness, who appeared at first to suffer a great deal; their hands blistered, but afterwards they got in with the rest, and I saw no difference.

1082. Is it ever the custom to place them in confidential situations on board the Hulks?—I believe that has been done, but I cannot speak to that; I do not know any one of that description in Woolwich at present.

1083. Have you had London thieves and pickpockets who have not been accustomed to hard labour?—Yes, but they are worked with the rest.

1084. Do you find them as easily managed as the others?—Yes, they have heavy irons put upon them at first, and we find that to get them off them they will be induced to behave well.

1085. Have you had any means of ascertaining what description of convicts appear to feel it most, whether the agricultural labourers, or those who have moved in a higher situation?—I cannot give any opinion upon that.

1086. Do any of them appear to feel it much?—There are some who have been transported for small offences who appear to feel it to the very last, and some I have known of whom it has been said they have died of a broken heart in consequence of their punishment.

1087. Taking the average, do they appear to be in good spirits, laughing and singing and talking?—They do not make much noise, but they are cheerful; and when a job of work is given them, they do it very cheerfully.

1088. Do they ever refuse to work?—Never.

1089. Supposing there is a wet day, what is done?—They are not let out if it is very severe.

1090. Suppose there is drizzling rain, what is done?—They are sent out in that; when the weather is wet, sometimes they are employed in the mast-houses and boat-houses under cover; there is heavy timber to move about from one part of the house to the other, very large masts, and so on.

1091. Do you think you could find employment for more than you have at present?—For a certain time we could; and I believe it is the intention to have fifty more men.

1092. Do you think they would consider it a disagreeable day if they spent it on board, and did not go on shore?—I cannot say whether they are better pleased on board or on shore; I believe the idle men would prefer remaining on board, but there are some active men who prefer going on shore.

1093. Taking the men altogether, do you think it is pleasing rather than otherwise?—Yes.

1094. Do you know what they do when they do not come on shore?—It is very rarely that they do not come on shore in our Dock-yard; in case of a heavy fog, they do not let them come on shore, unless it is some of the best that they can depend on, who have but a short time to serve.

1095. Is the money they are entitled to receive, given to them while they are on board the Hulks, or at the end of their sentence?—It is reserved for them, I believe.

1096. Do you know whether many have received considerable sums?—Yes, seven or eight pounds, I believe.

1097. Are they not enabled, during the time they are in the Hulks, occasionally to obtain spirits?—I do not think it is possible; I never heard of a case of the kind occurring.

1098. You say they are frequently employed to drag logs of timber which horses used to draw; do they do it better than horses would do?—No, certainly not.

1099. Supposing you paid those convicts in money, it would be cheaper to employ horses?—Certainly; they have put the horses out of the Dock-yard since the convicts have been introduced, and the free labourers also. We have only two teams now; we used to have eight teams of horses.

1100. Do you know of any instances of convicts manufacturing skeleton keys on board the Hulks, or of their escaping by any means of that description?—A case has occurred in which three convicts escaped by unlocking their cell on board the Ganymede; they came on the bow of the Ganeymede to the Dock-yard; she lies close, and the sentinel said nothing to them; he said he thought it was the guards, and they went on and went over the wall of the Dock-yard, and I believe they were never taken.

1101. How long ago was this?—I believe about three years ago.

1102. Do you believe that skeleton key was manufactured on board the Hulk?—No, I think that the man must have had it about him.

Mr. *Oliver Lang.*

5 March, 1832.

1103. Would it not be possible for a convict to have a skeleton key conveyed by some friend?—I think not; they have no opportunity of seeing their friends but in the presence of an officer on deck; but I cannot say that it could not be done.

1104. Have the convicts much opportunity of purloining the stores?—I do not know how they could get them out of the yard; they might conceal them about themselves, but they are searched on going on board.

1105. If they have accomplices in the yard, have they not the means of doing it?—Those men who are employed in houses are not in store houses; there are persons belonging to the store houses who have charge of the stores; they do not allow the convicts to come in and serve out stores.

1106. Are they not employed in moving stores?—Yes, large stores; they work on large masses of iron work, but the smaller things are not in their possession so that they could procure them.

1107. Are there any other stores they are ever employed upon that they could conceal?—I am not aware of any.

1108. Are there not convicts on board the ships employed as boat's crew to the Captain of the convict ship?—I believe they have men that go in their boat for provisions or things they may require; they have at Sheerness, for instance; they want them sometimes to go out to hoist in masts; the convicts with us row themselves off; they are all parts of companies or gangs they belong to; but we employ none in the Dock-yard to do any thing further than to row themselves off, and getting coals into the steam-vessels, and so on.

1109. Is there much illness on board the Hulks?—No, I do not hear of any; there is an hospital ship near the Arsenal; if the men are sick they are carried there. I do not hear but that they are pretty healthy.

1110. Is not there a gang called the float gang?—Yes. It is not always that they work them on float.

1111. Are those men, whenever employed, under as strict a superintendence as others?—Yes; their work is rather harder on float perhaps.

1112. Are they ever employed to dismast ships, and take out ballast?—Yes, they are; I think that one of the hardest pieces of work they have is getting the ballast out of the ship.

1113. Do they receive any extra allowance in that case?—No; there are only two cases they receive extra allowance for, that is, excavating mud, and carrying coals.

1114. Do you think any of the officers give them any rum on board the ships?—No, they are not employed in ships in commission; the ships are not in commission while they are on board; there is no means of giving them rum.

1115. The men are classed on board the ships according to their characters, are they not?—I do not know; it would be a good thing if they were to pick out the good men, and put them together.

1116. Do you think that plan might be applied to the workmen in the yard; could there be a classification of men and of labour too, so as to give the preferable sort of work to the men of good character?—Yes, I think we could manage that.

1117. It is not done now?—No, it is not; they might, I think, give men a great deal of heavier work to do if they were worse than the others; there are some who have not been put there for theft, and they are much injured in their feelings by being mixed with such men; they feel it when they go on board the ship, being with those men.

1118. Have you had any opportunity of knowing what has become of the men after they have left you?—Some of them have done well; others have come back again in a short time.

1119. Do you know that some have done well?—Yes, I have knowledge of men who have done well; one is living at ————, who owns nine houses; he came down to the Dock-yard on his own horse; our master bricklayer put him to work, and taught him a trade, and he came to invite the master bricklayer to come and see him; another man at ———— I know has done very well; neither of those were transported for theft; I believe they were for poaching.

1120. Do they not in general find it very difficult to find employment after they leave the Hulks?—No, I do not think they do if they go out with good characters. There is another living at ———— who is going on very well.

1121. Great numbers return, do they not?—Some have returned, but I do not think the number has been large.

1122. Is

Mr. *Oliver Lang.*

5 March, 1832.

1122. Is it supposed that the punishment in the Hulks upon the whole operates to deter persons from crime?—No, I do not think it does.

1123. Have you any boys?—At Sheerness there were about 300 boys, but they were not sent on shore to work; there are about a dozen sent on shore to work at Woolwich.

1124. How were the 300 employed at Sheerness?—Learning shoe-making, and so on.

1125. Are the boys at Woolwich worked on the same sort of labour as the men?—Yes; the men and boys are kept in the same Hulks at Woolwich.

1126. Of what age are they?—From fourteen to sixteen; one came from Scotland at twelve.

1127. Did you ever hear the convicts express any opinion as to whether the punishment of the Hulks or transportation to New South Wales was most severe?—Some I have heard express their wish to go to New South Wales, others I have heard express their wish to stay at home.

1128. Did you ever know of any other instances of convicts escaping, besides that you have mentioned?—I never knew any other at Woolwich except that I have stated.

1129. How is the Sunday spent?—I believe there is a clergyman visits each Hulk in the morning.

Mercurii, 7° die Martii, 1832.

(At the Penitentiary at Millbank.)

Mannister Wortz, called in; and Examined.

Mannister Wortz.

7 March, 1832.

1130. HAVE you ever been on board the Hulks?—Yes, I was on board the Leviathan, at Portsmouth, for seven months.

1131. In what year?—In the year 1830.

1132. Were you employed in working in the Dock-yard?—Yes, I was.

1133. Did you find the labour severe?—Not severe: just enough to keep me employed regularly; nothing more.

1134. Were you sent here from the Hulks?—Yes, I was.

1135. Was it in consequence of any application of your own?—I wrote to the Secretary of State, but I do not think it was through my application; I think it was in consequence of the application of my friends.

1136. You were employed in working in the Dock-yard?—Yes; removing timber and coals, &c.

1137. Did you apply to be removed here because you thought the punishment would be less severe?—No, because I heard a worse account of it at the Hulks than the Hulks themselves, because there were several persons that we sent from here to there for their bad conduct.

1138. What account did they give of the discipline here?—They said it was very severe; that they would not let you speak, or do any thing.

1139. What was your reason for wishing to be sent here?—I wished entirely to get out of the place, on account of the bad company; indeed I was miserable during the whole time there.

1140. Then it was in the hope of having an opportunity of amendment?—Yes, it was.

1141. For what offence were you sent to the Hulks?—For stealing in a dwelling-house, above the value of 5*l.*

1142. Where was the offence committed?—At Sudbury, in Suffolk.

1143. At what time of the year were you there?—From April to June.

1144. At what hour were you marched back to the ship?—About half-past six at night.

1145. When you arrived on board the ship, what was done with you?—When we went on board, our irons were examined, and we then took our hammocks down.

1146. Were you allowed to walk on the quarter-deck at all?—No, we were allowed five minutes to stop up, if we wanted to purchase tea and snuff, or any thing of that kind.

1147. Did you purchase those articles of convicts that were allowed to sell them?—Yes; and there were also men allowed to come on deck to sell them.

1148. What articles could you purchase?—Tobacco, snuff, sugar and tea.

1149. Could you purchase beer or spirits?—We could purchase small beer, but not any spirits knowingly.

1150. Could

Mannister Wartz.

7 March, 1832.

1150. Could you carry on any communication with the shore, through the medium of those people of whom you bought those goods?—No, not any.

1151. Had not he the power of bringing letters or money to you?—He did to some of the old prisoners, but he would not have been willing to have trusted a new one.

1152. Could he have done it if he wished?—Yes, because he went up to the rail and handed the things to us, and there were no officers near that could examine whether he did or did not, and he was in the habit of trusting prisoners to any amount.

1153. Do you know whether he ever did bring any communication from the shore to the prisoners?—No, I cannot tell.

1154. Were you locked up for the night as soon as you went down stairs?—Yes, in our different apartments.

1155. How many men slept in the cabin in which you were?—When I first went in there were sixteen or twenty, but afterwards they increased to twenty-five, in consequence of some convicts coming there after a mutiny.

1156. After you were locked up, were you allowed lights?—Yes.

1157. To what hour?—We might burn a light as long as we pleased, with our own candles.

1158. All night?—I never saw one all night, but I never heard any order to put them out; the lamps are burning all night.

1159. Was there not a lamp which threw light into the cabin?—Yes.

1160. Did that afford sufficient light to read by, or to mend your clothes by?—No; for that reason the men were obliged to light a candle.

1161. Were you obliged to get into your hammocks at any particular hour?—Some went to bed at eight o'clock, and some at nine, and some staid up till ten.

1162. Was any thing said about that?—No, I never heard any thing said about their sitting up, if they were quiet.

1163. Before nine o'clock, were you allowed to laugh and sing and make merry?—Yes; I never heard any fault found for that.

1164. Had they any musical instruments on board?—Yes.

1165. Were they allowed to be played?—Yes.

1166. Was there any dancing?—I never saw any dancing.

1167. Was there any singing of flash songs?—There was generally singing every evening.

1168. Was there any interruption given, whatever the nature of the song might be?—No; sometimes the officer would stand and listen, and join with them almost.

1169. And provided there was no outrageous behaviour, there was no interruption to their laughing and singing, or any thing of that sort?—No.

1170. After you were locked up, did the officer often come down to see what was going on?—Every half hour he passed in the gangway between the apartments; he walked up and down the passage once or twice, and then he went into his own apartment again.

1171. Were you allowed to drink tea and smoke?—Yes, at any time in the night we were allowed to smoke, so that you did not get your tobacco-pipe in your hammock.

1172. Were you allowed to drink any beer in your cabin?—Yes, they used to save the beer till the evening, and drink it with the smoking.

1173. Do you think if you could get over the feeling of degradation which attached to being a convict, that the life would be a very irksome one?—I do not know that it would.

1174. Are the Committee to understand that you had very little more work than sufficient to keep you in health, and that when you were on board you were allowed to amuse yourselves as well as you could?—Yes.

1175. Did it appear to you that the men that had got over the feeling of the degradation of that punishment, seemed to suffer much from it?—I think some of them suffered nothing at all; they did not mind it at all.

1176. Do you consider that the labour that the prisoners at the Hulks do is harder than the labour which is generally the lot of a labouring man?—No, I do not think it is so severe; I believe that many labouring men that have to earn their livelihood, do work harder than the convicts generally in the Hulks.

1177. You said that you thought that many of those in the Hulks did not mind it; which were those that seemed to mind it the least?—The older prisoners in general.

1178. Was

Mannister Wortz.

7 March, 1832.

1178. Was it in fact least irksome to those who were the greatest rogues?—I believe it was.

1179. And your great dislike to it arose in part from the sense of the degradation, and from your unwillingness to keep company with persons so abandoned?—Yes, and from the filthy manner in which they were kept.

1180. Were you not obliged to wash yourself every day?—No, there was no obligation at all; sometimes we were not able to procure water below the deck. I knew several young prisoners who had not got any thing in which they could get water, and they could not wash themselves in the morning.

1181. What was your employment before you went to the Hulks?—I am a brazier and tinman by trade.

1182. What did you do in the morning when you first turned out of your hammocks?—A man came round and made a noise, telling us to turn out, at half-past five; we then had half an hour before the breakfast was served out, and during that time we lashed up our hammocks, and waited till the breakfast came.

1183. You were not mustered on deck during that time?—No, we were kept below.

1184. You breakfasted in the place where you slept?—Yes.

1185. Was not the air very foul?—No, there is so much tobacco that it is generally not noticed.

1186. Those that had water to wash with, how did they procure it?—They brought it down over-night in their tubs.

1187. Why did not all the men do the same?—They had no tubs, and they could not procure them.

1188. Had they any soap?—They are allowed a small quantity, but it is scarcely sufficient.

1189. Have they towels of any kind?—No, not of any kind.

1190. Nothing with which to wipe yourself?—No, nothing.

1191. After breakfast were you mustered upon deck?—Yes; those that had irons had their irons examined before going to the Dock-yard; and then we went to work in our respective parties.

1192. During the time you were locked up for the night, did you know any instances of prisoners robbing each other?—Yes, I have known several punished for it.

1193. What sort of articles did they steal?—Food, and knives and spoons.

1194. Silver spoons?—No.

1195. Did the prisoners, when they first came, generally bring money with them?—Generally; but they were not allowed to have above 5*s.* or 6*s.*

1196. Do you mean to say that a prisoner coming on board from Newgate was allowed to bring 5*s.* or 6*s.*?—Yes, they were allowed that, with the knowledge of the Captain.

1197. Had he means of bringing more?—He was stripped by prisoners in the washing-room.

1198. Was that done under the superintendence of an officer?—Not under the superintendence of an officer.

1199. Then, if the prisoners who examined him chose to connive at it, he might pass any money he pleased?—Yes; they were in the habit of selling their shirts and stockings to those old prisoners when they came first.

1200. Have you reason to believe that it frequently happens that a convict coming on board might have a good deal of money with him?—I cannot say that he had; but there was nothing to prevent it, if he had the inclination or the means.

1201. Had you any money?—When I went on board I gave the Captain 25*s.*, and I was allowed to keep 3*s.*, and the Captain gave me 1*s.* a week out of it.

1202. Had you any means of communicating with the shore through the medium of the Captain's crew?—No, but through the medium of the Dock-yard workmen and the marines on board the vessels; sometimes we work on board the same vessels with marines; and we have frequent opportunities of conversing with them.

1203. Supposing you wished to send a letter on shore, how could you do it?—Through the Dock-yard men; I have known it done several times.

1204. If you had any money to receive, could you receive it in the same way, through the Dock-yard men?—If I had friends residing near about Portsmouth.

1205. Have you ever heard that any convicts have received money from their friends in that way?—I have heard that they have, through the means of the Dock-yard men.

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1206. Have the boat's crew any opportunity of communicating with the shore?—None, except by the same means as the rest of the convicts.

1207. When you were working in the Dock-yard, had you any opportunities of stealing things, if you had been disposed to do so?—Very seldom; unless we went to the officers' houses with coals, we had no opportunity whatever.

1208. Had you any opportunity in working in the stores?—In working in the stores, with regard to copper.

1209. Do you think there was ever any stolen while you were there?—Yes; I never saw any, but I have heard that there was some; I have heard of great quantities of common cast copper sold to the Dock-yard men; I have heard the prisoners talking it over what they made of it.

1210. Supposing they stole a piece of copper, how did they dispose of it?—They stowed it in places, and the Dock-yard men would remove it.

1211. How did they deposit it?—They concealed it under the timber, or any where; there are many places in which they might safely deposit it.

1212. But they could not carry it out on their persons, because they were examined?—No; they could not.

1213. Do you think it would be an improvement if the convicts were not allowed to work in the stores?—I think it would; because there would be no means of their obtaining any money, except what was allowed them.

1214. And they would have no means of committing robberies?—No; except upon themselves.

1215. Did they commit robberies upon one another?—Yes; particularly upon new convicts; when they go, they generally make it a rule to cut down their hammocks the first night, and take whatever they have.

1216. Were the prisoners allowed to receive frequent visits from their friends?—I believe they were allowed to come whenever they pleased.

1217. Did you ever receive any from yours?—No; they were at too great a distance.

1218. Were they strictly watched when they came there?—No; they were allowed to sit on the quarter-deck the whole day, except at meal times.

1219. Then they had a holiday?—Yes; the man did not work that day, and his pay was stopped for the day.

1220. If a friend was there three or four days, was he allowed to have as many holidays?—I have seen it three or four days; I have heard that Captain Wood extended it to a week in some instances, but I never saw that myself.

1221. Then they stopped his pay?—Yes.

1222. How much was it?—Three-pence a day.

1223. But his friend might, at the same time then, have given him a good deal of money during that time?—They sat in a row, and there was frequently no officer at all; and therefore they must have had opportunities; but I believe the friends were strictly cautioned beforehand.

1224. Were they nice as to the sort of friends they allowed them to receive?—I cannot say that they were.

1225. Supposing a pickpocket came down from London, and wanted to see one of the prisoners, was he allowed?—Provided he was respectably dressed, they would not deny him.

1226. Do women frequently come on board?—Yes, more frequently than males.

1227. Did they pass themselves off as relations of the convicts?—Yes, generally as relations.

1228. If a woman came, and said that she was no relation, was she allowed to go on board?—I do not know that she would be.

1229. Were the women allowed to go between decks?—No, they were never allowed to go below deck.

1230. Are any bum-boats allowed to go to the ships?—No.

1231. Did you ever know that the prisoners ever brought on board with them any silver snuff-boxes, or trinkets of that sort?—No, I never saw any.

1232. Were there many prisoners employed as single-station men, working by themselves in the Dock-yard?—No, I never saw any; they were all in gangs.

1233. Were any improper books allowed to be brought on board?—I have frequently seen improper books—song books; and I saw one notoriously indecent song in the possession of one of the prisoners.

1234. How were they procured?—I do not know, except it is through the agency of the Dock-yard workmen.

1235. How

1235. How could they bring them on board?—They had opportunities of concealing them; as they have so many men to examine, it is impossible to examine every one.

1236. Are newspapers allowed to be brought on board?—Yes, they are allowed.

1237. How is the examination made of the men, to see that they are not bringing any thing forbidden?—They are only felt round the waist.

1238. Might not a man carry things concealed about his person, notwithstanding that examination?—Yes, he does; he brings pieces of wood on board to make soap-boxes and spoons, and other things.

1239. Did your ever know any instance of spirits being brought on board in that way?—Yes, I have seen rum brought on board.

1240. Was that in a bladder?—I have seen rum in a bladder, but this was brought in a bottle.

1241. How did they conceal it?—The leading men had opportunities, because they are frequently not examined; the gangsmen, that have the charge of the men when they are working in the Dock-yard.

1242. Are those leading men convicts that have been a long time on board?—Yes, generally.

1243. Are they not the worst of the whole set often?—They are often.

1244. You say that at night you were allowed to sit up any length of time; did they often amuse themselves by the old rogues telling stories of their feats?—Yes.

1245. Have you any reason to suppose that any robberies are ever planned in the Hulks to be carried into effect after the sentence is expired?—I cannot say that I have heard it.

1246. Generally speaking, when they came on board from the Dock-yard, were they fatigued, or was it a merry time?—Some of them were when they were not well, but in general they sat up for an hour or two.

1247. Did you ever know any instance of coining going on, on board the ship?—No, I have heard them talking of it, and that is all.

1248. Did you hear them talking of it as if it had been done on board?—Yes; but I do not believe it was done when I was on board.

1249. Was it copper coining or silver coining?—Silver coining.

1250. Did you ever see any false money on board?—No, I knew a prisoner to be punished for it when I was there, but I never saw the money.

1251. Did you ever know any skeleton keys or pick-locks made on board?—I never saw any.

1252. Were the prisoners over worked out of the Dock-yard?—No, they were never allowed to go outside: they were allowed to go by water almost as far as they pleased, but not out of the Dock-gates.

1253. Were none of the prisoners ever employed in the country as agricultural labourers?—Never from Portsmouth.

1254. If they were debarred all communication with their friends, would not that make the punishment much more severe?—It would to some, but I do not know that to others it would make any difference.

1255. If they were allowed to spend nothing, and to have nothing but their rations, would that not be a great increase to the punishment?—It would, certainly.

1256. If they were locked up at night in their cells, would not that also greatly increase the punishment?—Yes, it would.

1257. If the moment they went on board they retired to separate cells, and were kept there till the next morning, would they not mind that very much?—Yes; I am sure they would; I think that would be a greater punishment to some of them than all else that is inflicted upon them.

1258. Were not those men that have the greatest influence in the Hulks, and are counted the finest fellows, generally the most determined rogues and villains?—Generally; the longest sentenced men were generally those that defended every sort of bad conduct that was done.

1259. Whose opinion was generally most attended to?—Those that generally railed against the orders of the Captain.

1260. Do you think it is possible for any person who should be sent there, comparatively ignorant of the art of stealing, and things of that kind, to remain there without becoming an accomplished rogue?—No; I am certain he would not, unless he was fully determined in his own mind not to be led away by them.

1261. What is the moral and religious discipline there?—There is no prayer read, except at chapel of an evening; very often there is chapel in an evening.

Mannister Wortz.

7 March, 1832.

1262. Do you think that makes any favourable impression on the prisoners?—Many of them stop away; if they can, they conceal themselves in the water-closet.

1263. Does the chaplain visit them privately?—No; he never visited them while I was there.

1264. Were there no prayers in the morning?—No.

1265. How often did you see the chaplain there?—Never, except on the Sabbath.

1266. How long did he stay on the Sabbath?—About an hour and a quarter the whole service lasted, the prayers and the sermon.

1267. Are all the people required to attend the service?—Yes; but they did not all attend; for the wardsmen, I believe, never attended, they always staid in their apartments; there is a wardsman in each of the apartments, who is generally an old prisoner; and I recollect that when I came back from chapel, I saw those wardsmen in their apartments.

1268. Is any method adopted by the Captain or Chaplain, or any of the officers, to correct the opinions or morals of the people?—Not in the slightest degree. There is nothing required of them, but an attention to work while they are in the Dock-yard, and to keep themselves honest while they are on board.

1269. Had all the prisoners every Sunday an opportunity of hearing some service?—Yes, all the prisoners had the opportunity.

1270. But they are not obliged to go?—No, they are not obliged to go.

1271. Is there more than one service on board each ship?—No, not more than one service.

1272. Is there a roll-call upon the Sunday?—Not in the chapel, but in the apartments; we were not mustered into the service, but in the apartments, after the chapel was over.

1273. How many convicts were there in the Leviathan when you were there?—The greatest number was 780.

1274. Do you ever remember their sitting up till eleven or twelve o'clock at night, drinking and making merry?—Not till twelve, but I have known them sit up till half-past ten; indeed they have waked me after I have been in my hammock.

1275. If a convict was inclined to be steady, and to avoid those things, would he be laughed at?—He would.

1276. Is he almost obliged, unless he has a great deal of resolution, to join them?—He is.

1277. Were you ever prevented going on shore by bad weather?—Never but one half day.

1278. What did you do on board?—When we remained on board we had nothing to do but sit and talk.

William Brett, called in; and Examined.

William Brett.

1279. WHEN were you on board the Hulks?—From the 9th of September to the 3d of October last.

1280. What trade were you?—I have been in the wine trade for a short time.

1281. What were you sent to the Hulks for?—For obtaining letters from the Liverpool Post Office under false pretences.

1282. Were you in the capacity of clerk?—Yes.

1283. How many years' transportation were you sentenced to?—For life.

1284. What Hulk were you on board of?—The York, at Portsmouth.

1285. During the time you were there, were you placed with the rest of the convicts in the gangs in the Dock-yard?—No.

1286. Were you excused from labour?—Yes, on account of the heavy irons I had on from Lancaster, by which I was much injured.

1287. It was in consequence of your inability to work, that you were not placed with the rest?—Yes.

1288. Had you a good education?—Not particularly so.

1289. Can you read and write?—Yes.

1290. When the prisoners returned from their daily labour, at what hour were they locked up?—At Portsmouth they were locked up as soon as they returned, but at Chatham they were not locked up at the time that they came on board.

1291. How long were you at Chatham?—About six days.

1292. At Portsmouth the prisoners were locked up as soon as they were brought back to the vessel?—Yes, a short time after.

1293. How

1293. How long were you at Portsmouth?—I was altogether twenty-four days; I was six days at Chatham and three days at Woolwich; and I was about a fortnight at Portsmouth.

1294. At Portsmouth, when the prisoners were locked up in the Hulk for the night, were they allowed to have lights in their cabins?—Yes, if they paid for them.

1295. How many men were in the cabin in which you were?—Thirty-two.

1296. Were the men allowed to smoke on board the ship?—Yes.

1297. Were they allowed to sing?—They were not allowed to sing, but they did sing.

1298. Was it connived at?—No, I do not say that it was connived at.

1299. Were they allowed to play any musical instrument?—Yes.

1300. Have you seen any dancing going on?—Yes.

1301. Were they allowed to keep their lights burning as long as they pleased?—No, they were to put them out at nine o'clock.

1302. Every light was put out at nine, except the public lights?—Yes.

1303. Was there not a light burning all night?—Yes.

1304. Did that give sufficient light to read and mend your clothes?—It depended upon circumstances; sometimes it was on one side, and sometimes it was upon the other side.

1305. When it was upon your side, could you see distinctly in your cabin?—Yes.

1306. What musical instrument had you in your ward?—A flute.

1307. Any fiddles?—No.

1308. Were you allowed to drink tea or beer after you were locked up?—Yes; the cooks brought coffee round, not tea; we might have tea if we liked, but they brought coffee round, and sold it for a halfpenny a pint, just made up of biscuits or something burnt, not fit to drink.

1309. Was the beer that was delivered out generally reserved for the night?—It was sometimes.

1310. Could you buy any beer?—We could buy the allowance of small beer from each other, but I have seen spirits there.

1311. In any quantities?—Half a pint at a time.

1312. Do you know how it was brought on board?—Yes, I believe the jolly-boat's crew brought it on board.

1313. Is that a convict crew?—Yes, it belongs to the Captain.

1314. Had not the jolly-boat's crew an opportunity of frequently communicating with the shore?—Yes, when the Captain goes on shore.

1315. Can they bring any thing they like on board?—Not any thing they like, but they bring things sometimes.

1316. Did you know any instances of prisoners robbing each other?—Yes, of money.

1317. Were prisoners allowed to have much money about their persons?—They were not allowed; but you might take any sum of money; they do not search you so strictly, but what you might pass it.

1318. If you had had two or three pounds in your pocket, and had been aware of the kind of search to which you were subject, might you have passed it in?—Yes.

1319. Were not you stripped and examined when you first came on board?—No, when we first came on board four of us were ironed together, and the Captain's clerk came and asked us if we had any money; if we said Yes, we put it down, and gave it into his hands before the Captain or the First Mate, and he entered it in a book, and then we went into a place where we washed ourselves, and clothes were given us all, and we changed them, and they did not search us at all.

1320. You were stripped for the purpose of washing?—Yes.

1321. Was the Captain's clerk a convict?—Yes.

1322. When you were stripped for washing, who was present?—The steward.

1323. Is he a convict?—No.

1324. Were your pockets searched?—No.

1325. Then how would you have an opportunity of keeping any money that you might have brought with you after you were stripped and your clothes taken?—They gave us clothes about the size that they thought would fit, and our own clothes lay beside us; and then our knives, or any thing we had in our pockets, we shifted.

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1326. In short, you might have shifted any thing that you brought in your own clothes, to the convict dress?—Yes.

1327. Had you any means of knowing whether the convicts had any opportunity of committing any robberies in the Dock-yard?—I do not know that they had.

1328. Did you ever hear them talk of it?—Not in the Dock-yard.

1329. Did you ever hear of any robberies being committed by them?—They rob each other.

1330. Was that a common practice?—Yes.

1331. You say you have seen spirits on board; have you ever seen a man drunk?—No; I have seen a man so that he had gone to bed; with rum.

1332. Affected by spirits?—With rum.

1333. Did you ever know any card-playing on board?—No.

1334. Or playing at dominoes, or any thing of that sort?—That they call "Pricking the garter" I have seen; that is, turning up a piece of string in a particular way, and then pricking it with a needle or any thing you have.

1335. Is that gambling for money?—Yes.

1336. Have you ever seen them play at pea and thimble?—Yes.

1337. By that means did the old experienced hands frequently defraud the young prisoners?—Yes, some that came with me from Lancaster got defrauded.

1338. Did many of them appear very anxious to learn how to play at that?—I cannot say; I was not there long enough to see that; but it was a common thing, particularly in the sick ward, when they were not able to go to work; not the ward they slept in, but in their own ward.

1339. Is there a great deal of gambling going on?—Yes, there is.

1340. Does any fighting or riotous conduct ever take place between decks?—Yes, I have seen fighting.

1341. Did the officers stop it?—Yes, if they saw it.

1342. Did they watch sufficiently closely to put a stop to it whenever it took place?—No, they had plenty of opportunities of fighting.

1343. Would not they come if they heard a noise?—Yes, if any of the prisoners called out for them, or if they heard a noise.

1344. Was there much noise generally between decks?—Yes, there was a good deal of noise generally, talking and laughing.

1345. In fact, is there any such rigorous inspection in the Hulks at Portsmouth as to prevent opportunities of scenes of this kind?—No.

1346. Did you ever know an instance of coining on board the ship?—No.

1347. Or making any false keys, or any thing of that sort?—No.

1348. When you were on board, did many persons come on board to visit the prisoners?—Yes.

1349. When a prisoner had friends come to visit him, was he allowed to remain on board all day if he pleased?—Yes.

1350. Was there any watchful attention as to the description of persons that came to see the prisoners?—Yes.

1351. If a person was decently dressed, did they make any particular inquiries?—They inquired if he was related to him.

1352. Did they take his word for it?—Yes.

1353. Was there any thing to prevent a well-dressed London thief coming to visit his friends?—No; I believe they have done such things; I have heard other prisoners speak of people coming to see them of that sort.

1354. If the friends of a prisoner remained with him three or four days running, was he allowed during that time to remain on board?—He was allowed for two days; by speaking to the First Mate, he would keep him back.

1355. And during that time, might his friends give him money or any thing of that kind?—Yes.

1356. Did females frequently come on board to visit the convicts?—I have seen several there during the time I was there.

1357. Were they ever allowed to go between decks with them?—No.

1358. While those friends were on board, were the convicts pretty strictly watched by the officers?—No; they were working, and doing whatever they had to do, as usual.

1359. Therefore, if any of those friends had a particular object in communicating privately with the convict he came to see, by staying there some hours, might he find an opportunity?—Yes.

1360. Did

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1360. Did the prisoners, when they came on board from their day's work, appear very much fatigued?—Some did, and some did not; those that had been there some time were not much fatigued, but the others were.

1361. Did many of them go to bed apparently very tired as soon as they were locked up?—No.

1362. Did they complain of it as a very laborious occupation?—No.

1363. Did they make light of it?—Yes; I never saw much complaint.

1364. From what you saw of it, should you think it more laborious than the occupation that an agricultural labourer is subjected to?—No; I should not think it was more laborious.

1365. Do you think it was as much so?—No, I do not suppose it was.

1366. Did they work as many hours?—Yes; they worked a good many hours.

1367. Do you think that if a man could lay aside the sense of degradation from such a punishment, there is any thing very severe in the punishment?—No; the irons they have on is a punishment; and if they were found fighting or any thing of that sort, they were cross-ironed; but the work is not much of a punishment.

1368. Do you think that some of them appeared not to care about it?—Yes.

1369. Then, in fact, if it was not for the deprivation of liberty, and for the sense of shame, it would be a much easier life than that of an honest man who is obliged to earn his livelihood by his daily labour?—If it was not for those two things.

1370. Was much attention paid to the cleanliness of the prisoners?—They were obliged to wash at stated times, and when we went to the general muster.

1371. Every morning?—No; they go upon deck every morning, but many of them do not go but at particular stated times.

1372. How often did they generally muster?—I believe once in five weeks.

1373. Do you mean to say that they may, if they choose, go without washing, except that once in five weeks?—Yes; if they saw his face and hands very dirty, they would speak to him about it.

1374. In fact, were many of them in a very dirty state?—Yes.

1375. Were they covered with vermin?—Yes.

1376. Did many of them use to wash themselves every day?—Those that liked it.

1377. Could they all procure water to wash, if they wished it?—No, they could not at Portsmouth; we were limited.

1378. Was there any allowance of soap?—Yes; but during the time I was there, I did not get any.

1379. What was the quantity of water allowed you?—A pint.

1380. And what quantity of soap?—The soap is allowed once in three weeks.

1381. Is there a sufficient quantity of soap allowed to enable a man to wash himself daily?—No.

1382. Were you allowed soap to wash your shirts?—They washed the shirts for them.

1383. How often did you change your shirts?—Once a week.

1384. When the rest of the men went on shore to work, what was your employment on board the ship?—I was under the surgeon's care during that time, and they gave me the privilege of walking about.

1385. You were on the sick list, in fact?—Yes.

1386. How long were you at Chatham?—Six days.

1387. Was the general discipline there pretty much the same as at Portsmouth?—Yes; the difference was, that they did not lock them up when they came from work, not till a certain hour.

1388. How long were they allowed to go about the ship before they were locked up?—Till seven o'clock.

1389. During that time, were they allowed to go into any part of the ship that they pleased?—Yes, all about between decks.

1390. Could men that were on one deck go to the deck below or above?—Yes.

1391. There was a free intercourse between the decks as much as they pleased?—Yes, the whole ship's company.

1392. How many were there on board the ship?—I do not know exactly, but some hundreds.

1393. What was the name of the ship?—The Comrade.

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1394. Then, in fact, the system at Chatham was not so strict as at Portsmouth?—No.

1395. At what time were they locked up?—At seven o'clock.

1396. Were they allowed to have lights after they were locked up?—Yes.

1397. Till what hour?—Till nine o'clock.

1398. Were they allowed to sing or play upon instruments during that time?—Yes, in one ward particularly.

1399. Were they allowed to dance?—No.

1400. Did you know any instances of wrestling or fighting there between decks?—Yes.

1401. Were they more closely watched than on board the ship at Portsmouth, after being locked up?—No, I do not think they were.

1402. Were they as closely watched?—Some of them.

1403. Were they allowed to smoke and to drink tea?—Yes, they could smoke at any time before the lights were put out.

1404. Could spirits be brought on board there?—I did not see so much as at Portsmouth, but I saw a little.

1405. By whom was it brought?—I do not know.

1406. By what class of persons was it brought; by the boats' crew?—No.

1407. What means are there of getting spirits?—I believe by the people in the Dock-yard.

1408. Do you think the friends that came to visit the prisoners could bring it on board?—No; they were searched when they went to work in the morning, and also at night, at Chatham.

1409. Do you know of any instances of thefts being committed in the Dock-yard at Chatham?—No, I was never in the Dock-yard.

1410. Did you hear the prisoners speak of it?—No.

1411. Is there any point that strikes you in which the system at Chatham differed from that at Portsmouth?—No, nothing more than their not being locked up at the same time.

1412. If you were to be sent back, which would you rather go to?—I would rather go to Portsmouth.

1413. Why?—It was more clean; although we only got a pint of water there, they were more clean in general than at Chatham.

1414. Was there any attention paid to the cleanliness of the prisoners at Chatham?—Yes, they had a regular muster there.

1415. How often did they muster?—I do not know; but they mustered every Sunday morning.

1416. Were they obliged to wash every day?—There were tubs on deck.

1417. Then how do you say they were more cleanly at Portsmouth than at Chatham?—They were a different sort of people at Chatham; there was more disturbance; they took greater advantage at Chatham than they did at Portsmouth; they seemed to be older thieves.

1418. They seem to you to be a worse set at Chatham than at Portsmouth?—Yes.

1419. You say that on Sunday there was a muster-roll; did you understand that there was that muster every Sunday?—No, Mr. Capper came on board that Sunday.

1420. When it was known that Mr. Capper was coming on board, was any particular pains taken to brush the ship up, and make it look more tidy?—No, they washed the ship's deck every morning.

1421. Did they know of his coming beforehand?—The Captain, I suppose, knew it, but we did not.

1422. What attention was paid to Divine Service at Chatham; were there prayers every day?—No.

1423. Was there at Portsmouth?—No.

1424. Neither night nor morning?—No.

1425. Were not there prayers once a week?—There were at chapel.

1426. Were the prisoners compelled to attend the chapel?—Yes, without the surgeon exempted them.

1427. Did the chaplain ever come among the prisoners with a view to reform them?—I did not see him; I was there so short a time that I never saw him.

1428. Did you ever see him at Portsmouth?—No.

1429. Were

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1429. Were there any prisoners in the hospital at Portsmouth very sick?—The hospital was another ship, but they did not send them on board the hospital ship without they were very ill indeed.

1430. While you were on board, the chaplain never came except on a Sunday, to afford any religious instruction to the prisoners that were unwell?—No.

1431. Were any Testaments or religious tracts distributed among the men?—No, I never saw any, but there were Bibles on board.

1432. If, either at Portsmouth or at Chatham, any prisoner was really sorry for his past life, and wished to reform and to separate himself from the rest, was it possible for him to carry his wishes into effect?—Yes, by getting into another ward in the lower deck, where they were more respectable than in the upper deck.

1433. Did you ever see any improper publications on board?—Yes, I have seen song books.

1434. Were there any newspapers on board?—Yes.

1435. Were those song books and newspapers openly used by the convicts?—Not openly before the guard; they were openly used among themselves.

1436. How did they get them on board?—I do not know; I saw them more at Chatham than any where else.

1437. Were the newspapers allowed to be used openly?—No.

1438. How long were you at Woolwich?—About three days.

1439. During the short time you were there, did you observe any difference between the discipline at Woolwich and the discipline at the other places?—No, very little difference.

1440. Were they locked up as soon as they came on board in the evening?—I was put in the fore-peak there, and I had not much communication with the other prisoners.

1441. Can you give the Committee any information as to the arrangement there?—The surgeon's mate was in there with us, and medicine and all that was in the fore-peak with us, but I saw very little of the convicts.

1442. Had you the means of knowing whether there was any smoking going on between decks at Woolwich?—Yes.

1443. Are you sure that at Woolwich there was smoking?—Yes, I smoked myself in the fore-peak.

1444. What ship were you on board at Woolwich?—The Ganymede.

1445. How came your sentence to be changed?—My friends got it mitigated.

1446. When were you tried?—I was tried in August last.

1447. Amongst the generality of prisoners, would they think it an improvement coming here?—Yes.

1448. Do you think they would prefer it?—Yes, I think they would prefer it on account of the difference of time.

1449. Suppose the case of a prisoner who did not care about reformation, which would he mind most, a twelvemonth on board the Hulks, or a twelvemonth in the Penitentiary?—He would mind a twelvemonth in the Penitentiary most.

1450. Was there any indecency that you observed among the prisoners?—I heard it mentioned at Chatham, but I did not see any thing of the sort.

1451. Do you think that if a man was to go there without having committed any crime, he could remain there long without becoming a thorough-paced villain?—No, I do not think he could; he would learn a great deal more than he ever knew before.

1452. Do the generality of prisoners become worse rather than better?—I think they do.

Thomas Knight, called in; and Examined.

Thomas Knight.

1453. WHEN were you on board the Hulks?—From the 18th of July 1831 till the 18th of August.

1454. What ship were you on board of?—The Ganymede, at Woolwich.

1455. Where did you come from?—From Hull.

1456. For what offence were you sent to the Hulks?—For felony.

1457. How many years' transportation were you sentenced to?—Seven years' transportation.

1458. What had been your previous employment?—A coach-maker and harness-maker.

1459. While you were on board the Hulk, at Woolwich, were you employed as a labourer in the Dock-yard?—Yes.

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1460. Was the labour you underwent there severe?—It was rather rough sometimes.

1461. Was it ever fatiguing?—Yes.

1462. After you became used to it, did you find it very irksome?—No; not the latter part of the time.

1463. Before you went to the Hulks, had you been in the habit of working hard?—Coach-making is quite light work.

1464. Would a day-labourer have thought it hard work?—No, I do not think he would; many of the men thought nothing at all of it.

1465. While you were on shore were you ever employed in any store-rooms?—No; mostly in carrying timber, and then on board the different vessels in piling it.

1466. Had the prisoners who were employed on shore any opportunities of committing any thefts in the Dock-yard?—No, we had not much opportunity of that; we were searched every time we went on board, at every meal, to see that we took nothing on board.

1467. Supposing you had stolen any thing, were there any means of concealing it in the yard, and then having it taken away by one of the free labourers?—No; I never heard any thing of that kind.

1468. While you were employed on shore, had you opportunities of communicating with the free labourers and artificers in the yard?—We were not allowed to speak to a free man.

1469. Were you closely watched to prevent any communication?—We had an officer with us; there was a guard with us all the day, and if the officer did not go with us, the guard went with us; so that we had no opportunity of speaking to the free men.

1470. Did the guard watch you very closely?—Yes.

1471. Did they keep you to work pretty closely?—Yes.

1472. Were you all worked in gangs, or separately?—No, except the old hands; the old hands were in the Dasher; they had about 50 of them, and that was called the straggling gang; they were allowed to go about the yard, to sweep it up and keep it clean.

1473. Were those old men that were past labour?—No; those that had been there above five years.

1474. Those men were not in the same ship as you were?—No, it was just adjoining.

1475. After your labour was over, were you closely examined before you went on board?—Yes.

1476. Would it have been possible to have taken any thing on board without being detected?—No.

1477. When you returned on board after the day's labour was over, what was done with you?—It was summer time when I was there, and we were allowed till eight o'clock, and then we were locked up.

1478. What did you do till eight o'clock?—Anything we liked, upon the decks, and we might go upon any part of the deck.

1479. So that there was the freest communication between the prisoners?—Yes.

1480. Were you allowed any light after you were locked up; were you allowed to burn candles of your own?—Yes, for about an hour.

1481. Was there any hour at which you were obliged to extinguish those lights?—Yes, by ten o'clock.

1482. But till ten o'clock you were allowed to burn lights?—Yes, in the ward.

1483. Were you allowed to smoke and drink tea or beer during that time?—Yes, we might have as much tobacco as we liked.

1484. Was there always smoking?—Yes; we could hardly see one another for smoking.

1485. Was there any beer allowed?—A pint of beer every day for each man; we went in about half-past five, and we had it as soon as we went in at night, and we had bread and cheese.

1486. Was it pretty good beer?—Sometimes it was pretty good, and sometimes not very good.

1487. Did the men generally keep their beer till the evening?—Yes, very often.

1488. Might you have as much tea and bread and butter as you liked?—If they could buy it.

1489. Were you allowed to sing and play on any musical instruments?—No, that was forbidden.

1499. Did

1490. Did any singing or playing on instruments actually take place?—I have heard singing on board, but no instruments.

1491. Any dancing?—No.

1492. Any fighting or wrestling, or disturbance, going on between decks in the evening?—There has been at times; I have seen scuffling and knocking about.

1493. Did the officers interfere to prevent it?—There are only one or two officers in the main deck and between decks, and the men might be sitting and smoking, and the officers could not hear them on deck, and they might make as much noise as they liked.

1494. In point of fact, did they not sing and dance, and amuse themselves?—Yes.

1495. And there was nothing to prevent them?—Yes; the officer never came down except at a regular time after we were locked up; at ten o'clock they came on watch, and in general came down once in every half hour.

1496. Was there no mate that came round to look after you?—No.

1497. Then from eight to ten you might do almost what you pleased?—Yes.

1498. Was there nobody that came down to superintend you?—No.

1499. Did you ever see any spirits on board?—No.

1500. Did you ever hear of any?—No.

1501. Do you believe that ever any was there?—No, I never heard of any on board.

1502. Then the persons that sold you tea and other articles had not the means of furnishing you with spirits?—No; the man comes on the quarter-deck, and one of the officers stands there; they are not allowed to go to the man, but they mention what they want, and the guard passes their money to the man, and returns them the goods.

1503. Who is the market-man allowed?—He is a man from Woolwich.

1504. The men that went on shore, could not they smuggle spirits on board in bladders?—I never heard of it being done.

1505. Had the Captain's boat's crew any opportunities of bringing things on board?—No, they are never allowed to be out of the boat, except the master or some of the guard is with them, and then they are not allowed to go on shore.

1506. Did you ever see any newspapers between decks?—Yes, I have, but they are not allowed.

1507. Do you know how they got them on board?—No, I cannot say.

1508. Did you often see them?—I believe they get them regularly.

1509. How did they do it?—I do not know.

1510. Do not you think, that in the same way that they get newspapers, they might get some spirits in a bladder?—Perhaps there might be one or two men that can do it; the old hands, but not the new men. I have seen a newspaper there regularly every week all the time I was there.

1511. What newspaper was it; a daily paper?—I do not know; it was one of the London papers; it used to come once a week.

1512. Was it the "Life in London"?—I think it was.

1513. Did you ever see any books on board?—Yes, they were allowed as many books as they liked; religious books.

1514. Did you ever see any indecent books?—No.

1515. Did you ever see any indecent songs?—No.

1516. Were you allowed Bibles and Testaments?—Yes.

1517. Were they given to you?—No, we had not them given to us; we took them with us, and our friends sent them; we had no books distributed to us at their expense.

1518. Had you any schools?—No.

1519. Did the Chaplain visit you?—No; we used to have the prayers at half-past nine on a Sunday morning, and we had done before half-past ten.

1520. Was there a sermon?—Yes, a sermon, and part of the Church prayers.

1521. Was that all the religious instruction you received?—We had prayers three nights a week, read by the prisoners.

1522. Then all you saw of the chaplain was for one hour on Sunday morning?—Yes, that was all.

1523. Did he come on board if the men were unwell, to give them religious instruction?—I never saw him; the men are removed, when they are unwell, to an hospital ship.

1524. Were you obliged to attend the chapel on Sunday?—Yes.

 1525. And

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1525. And the prayers three times a week?—Those prayers were read in the night, after we were locked up in our different wards.

1526. Was there any compulsory attendance upon the prayers?—You must be there, because they are read in the ward.

1527. Was there anybody to superintend you?—The officer is there.

1528. If you did not go on shore to work, was the smoking continued during the whole day?—You might smoke as much as you liked.

1529. How did you spend the Sunday?—On Sunday I was one of the singers, and I used to attend in the fore-peak to sing for half an hour before chapel, and then we had to attend the chapel; and after chapel, the lower-deck gang was on the main-deck in the morning; we used to take turns; the lower-deck was upon the main-deck in the morning, and then the next Sunday in the afternoon; so that both of us were not upon deck together.

1530. Were you totally idle the whole of Sunday?—Yes, and we might do what we liked.

1531. What was the general amusement?—Chatting and smoking.

1532. Was the pea and thimble played between decks?—No.

1533. Or pricking the garter?—No.

1534. Do you mean to say that you never saw the pea and thimble played?—Yes.

1535. Was not there gambling going on between decks?—I have seen them gamble at times.

1536. How did they gamble?—With five pieces of lead marked with so many numbers, and shake them, and turn them out.

1537. Did not it happen that the young prisoners were frequently defrauded of their money by older hands, by gambling?—If a new prisoner went, and he had any money with him, and he could not get it in, they surround him, and they say, "Give it to us to do so and so;" and some of them get it from him, and it is a hundred chances to one if he sees any of it back again.

1538. Then although they pretend to be desirous of taking care of it for him, they keep it themselves?—Yes.

1539. Were there frequent instances of the prisoners being robbed by others?—Yes, a great many were robbed when I was there; you can keep nothing, you have no place to keep anything in, and anything you take is left open to them; if you leave anything in your locker, it is sure to be gone.

1540. Did you take any money on board with you?—Yes, 14*s*.

1541. What was done with it?—I gave it to the master.

1542. Did he give you any allowance out of it?—He kept it for me till I came away.

1543. Were you closely examined when you went on board?—Yes.

1344. Could you, if you had wished it, have smuggled that money through without its being detected?—Yes, if I had liked to do it.

1545. Had the prisoners the means of receiving money, while on board, from their friends on shore?—Yes, they get money from their friends; it is done, but it is not allowed if the master of the vessel knows of it.

1546. Is a prisoner allowed to receive visits from as many respectable friends as may wish to see him?—Yes.

1547. How many days running have you seen a prisoner allowed a holiday for the purpose of seeing his friends?—I have seen them come sometimes four or five times a week.

1548. And as often as they came was the prisoner excused working?—Yes; if he was in the Dock-yard, he was fetched in, and he might sit with them on the quarter-deck, and they might bring him as much as he asked to have.

1549. And as much money?—No, they are not allowed money if they know it, but it has been done.

1550. Could they bring spirits on board?—No; I do not believe I ever saw any spirits on board.

1551. Are the prisoners ever allowed to go with their friends between decks?—No, never; they are never allowed to go off the quarter-deck.

1552. Did you ever hear of any coining on board that Hulk?—No.

1553. Or making any false keys, or skeleton keys?—No.

1554. Was there so much noise that anything of that sort might have been done without detection?—Yes; in the Ninth Class, where we were, we could not hear anything that was going on in the Tenth Class.

1555. Was

1555. Was any attention paid to the cleanliness of the convicts?—No, none.

1556. How often were you required to wash yourselves?—Every Sunday morning we had to be upon deck to show our feet.

1557. Do they examine to see whether your feet and hands are clean?—Yes; but if a man did not want to wash himself, he need not wash himself all the week, except on Sunday.

1558. If he came on deck on Sunday in a dirty state, what was done?—He was scrubbed.

1559. Was there an allowance of soap made to you?—Yes, once in three weeks.

1560. How much was it?—It was not so much as I get here.

1561. Were you required to wash your hands once a day?—No.

1562. How much was it?—About half the size we get here.

1563. Was it as big as an egg?—No, not near so big as an egg; it was about half a quarter of a pound.

1564. Had the prisoners any means of communicating with their friends on shore, unknown to the officers of the ship?—I do not think they had.

1565. Could they not do it through the channel of the free labourers in the Dock-yard, or the boat's crew?—I think I have heard them say that they could do it by the straggling gang of the old convicts, and they could get money in by paying half a crown in the pound to those men.

1566. If the friend of a prisoner came to visit him, did the officer of the ship make very particular inquiries as to his respectability?—No.

1567. If a person was decently dressed they made no objection, although he might have been a London thief?—If he was a respectably dressed man.

1568. Did they ask him whether he was a relation?—No.

1569. If women came on board, did they ask whether they were relations?—Yes, they asked a woman if she was a relation.

1570. If a woman told a lie, and said she was a relation, was she admitted?—Yes.

1571. Do you think, that if a man got over the sense of shame and degradation, which he must naturally feel at being on board the Hulks, and the loss of liberty, there was any thing very severe in the punishment of the Hulks?—No, there were many of them that thought nothing of it.

1572. Would they as soon be there as to be at liberty?—I dare say many of them would.

1573. Do you think that persons, before they go to the Hulks, dread it much?—Yes; I can speak for myself.

1574. From any conversation that you had with the prisoners, do you think that those men that have been brought up as regular thieves have much dread of it?—Yes, I have heard them say so.

1575. Those that have been there before, did they express great horror of returning?—No.

1576. Were there many of that class?—Yes.

1577. Do you think that a confirmed thief, that had been there, and had been let loose, would be deterred from thieving again by the fear of being sent there?—I do not think he would.

1578. Did you ever hear any convicts confined there, speak of the Penitentiary?—Yes.

1579. Did they speak of it as a place of more severe punishment than the Hulks?—Yes.

1580. Did you yourself wish to come here?—No, not at that time, by what they stated; many of them said I should wish to be back again in the course of a week or two.

1581. Were you covered with vermin when you were there?—Yes, filthy; it dropped upon you as you slept at night.

1582. Was it impossible to keep yourself free?—Yes; with 30 in a class, and three deep, one under another.

1583. Was there a free circulation of air between decks at night?—Yes, they had the ports opened.

1584. Were there windsails below?—No.

1585. Did you breakfast before you went on deck?—Yes, before we went out.

1586. Was it not very close and offensive?—No; the ports were all opened.

Captain *Benjamin Chapman*, called in; and Examined.

Capt. *Benjamin Chapman.*

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1587. YOU are Governor of the Penitentiary?—I am.

1588. Have the three Witnesses, whom the Committee have examined to-day, had any means of communication with each other?—No, not the slightest; they are in different wards, and in different pentagons; so that it is not possible that they can have had any communication; the probability is, that they have never even seen one another's faces before.

Veneris, 9° die Martii, 1832.

Samuel Hoare, Esq., called in; and Examined.

Samuel Hoare, Esq.

9 March, 1832.

1589. ARE you not Chairman of the Prison Discipline Society?—I am Chairman of the Committee.

1590. How long have you been so?—About 15 or 16 years.

1591. Having turned your attention to the best mode of enforcing a good system of prison discipline, state to the Committee your opinion upon it?—In answering this question, I would first speak of the prisons of the Metropolis, because I consider the Metropolis to be the focus of crime. The practice in these prisons, from the time of a prisoner's first committal for re-examination, must tend to plunge him deeper and deeper in guilt. Before appearances are sufficiently strong against him to warrant his being sent to trial, he is committed, for the most part, for re-examination; he is then confined with criminals of various denominations, and after having been exposed to their association, and consequent contamination, is either discharged, (which is the case of fully one half of those so committed,) or otherwise confined till the Sessions. In the gaols he must remain an average time of three or four weeks in idleness and vicious company; and after the Sessions is either returned to society instructed in crime and tainted in character, or is sent to the House of Correction, where, though the system of prison discipline is excellent, the accommodation is not adequate to the numbers. Here prisoners are again exposed to contamination; and at the termination of their imprisonment they have latterly, except in a few instances, no means of obtaining an honest livelihood, and are actually driven to the commission of crime for a maintenance.

1592. From the loss of character?—Yes. Under the circumstances of the times an honest man procures employment with difficulty, and a rogue has very little chance. The evil as regards Middlesex will be in some measure remedied in the course of a few months, by the completion of the New Bridewell at Westminster, which will have ample accommodation for the reception of all prisoners for re-examination and trial, if so applied by the magistrates. In this building the prisoners will all be lodged at night in separate cells, before as well as after trial, by which means contamination by night will be prevented. The Middlesex prisoners generally could not be accommodated in this building, and the House of Correction, Coldbath Fields, is not an adequate place of confinement at present.

1593. Will it be so with the addition of this new gaol?—No, but it may be made so.

1594. Do you mean that it is inadequate as regards the extent, or as regards the arrangement?—As regards the extent; it is the experience of the magistrates that the prisoners, from the impossibility of procuring employment, are constantly re-committed, though it is difficult to ascertain the exact proportion, as they come in under new names, and from the number confined within the walls their identity is not ascertained. All benefit resulting from prison discipline is wholly destroyed by the association of criminals during the night and day.

1595. You have stated the extreme difficulty of so arranging as to prevent a prisoner receiving contamination before trial; in what manner would you dispose of him before trial?—In a separate cell, with the opportunity of seeing his friends and legal advisers, so as to prevent the injury and cruelty of solitary confinement, but not to be seen or known by any of his fellow prisoners.

1596. Take the case of an individual who would not have many friends, would not that in effect amount to solitary confinement before trial?—That difficulty would be

be obviated by the frequent visits of the gaoler, chaplain, and officers, and the health of the prisoner, as is experienced in some of the best regulated gaols in America, would be found not to suffer.

1597. Do you not think the health of the prisoner would be likely to suffer, if he was confined in that way some months before trial, as is frequently the case, unless he were allowed exercise in the open air occasionally?—Sufficient exercise for the preservation of health should be allowed, but the morals of a prisoner will suffer much more injury than his health would derive benefit, from association with his fellow prisoners; and in Middlesex, the average time of his imprisonment before trial would not exceed four weeks.

1598. That is perfectly true as regards prisoners confined in one of the gaols in the county of Middlesex, but we have to legislate for the whole country; and as the gaol deliveries for the country are not near so frequent, would not such a protracted confinement be very likely to injure the health of the prisoner, besides inflicting upon him a very severe punishment before trial?—To obviate this difficulty, I would suggest more frequent gaol deliveries throughout the country; for retaining an untried prisoner for many months in custody, (I have known it to the extent of twelve months, and after twelve months' imprisonment he has been acquitted with clear evidence of his innocence,) is an unwarrantable cruelty, and the expense of more frequent gaol deliveries would be nearly met by the diminished number retained in confinement; I would also suggest that many more cases should be tried at the sessions than is the present practice.

1599. Do you think there would be any objection to allowing prisoners, before trial, to work in the yards, under constant inspection of turnkeys, sufficient time to promote their health, and relieve their minds from the irksomeness of solitary confinement?—It is very undesirable that prisoners, before trial, should be known one to another; I have heard complaints of acquitted prisoners suffering from the degradation of being spoken to, as acquaintances and companions, by their former associates, in gaol: exercise is necessary for their health, but that should take place also in solitude.

1600. Would it be possible to adopt such a plan as you have suggested without a complete reconstruction, or, at least, a very expensive addition to the different houses of correction; and would not such expenditure be very likely to create great opposition on the part of the county that would be exposed to it?—If the gaol deliveries were more frequent, and more cases tried at the sessions, I do not consider that the expense of the alteration would be very considerable.

1601. Are you of opinion that prisoners should be sent as soon as possible, after conviction, out of the country?—By no means; I would retain them for the punishment awarded to their crime, in mitigated solitary confinement; and at the expiration of that period, I would send them away.

1602. Do you think the good you might expect to derive for this mitigated solitary confinement in England, would be more than counteracted by the passage to New South Wales, from being in the company of persons who have been committed for various crimes?—I consider that much mischief would probably be done during the voyage, but not sufficient to counteract the good effects produced by the previous solitude.

1603. Those prisoners whom you would thus propose to transport, are those whom you would have no chance of amending?—By no means; I would send those, in preference, of whom I entertain good hopes, that under different circumstances, and with the opportunity of gaining an honest livelihood, they would not have recourse to crime; but to make this distinction would be difficult, if not impossible.

1604. Do you not think that persons on a lengthened voyage of several months, constantly exposed to the contamination of associating with hardened offenders, would be likely to become worse members of society when they arrive at New South Wales, than they were when they left this country?—From the accounts I have had of the effects of a voyage on a convict, I should not anticipate it.

1605. You have stated that you think that mitigated solitary confinement, associated with transportation, would be the most effective mode of punishment; state what would be the advantages of that system?—No punishment deters from the commission of crime more effectually than solitary confinement; no punishment leads to so much serious reflection, and is consequently so likely to produce reform: I should therefore consider that a prisoner, after he had undergone a term of solitary confinement, would be much less disposed to return to the commission of crime, especially if he were provided with the means of obtaining an honest livelihood;

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livelihood; from all the accounts I have received, labour in the Colonies is valuable, and a well-disposed man is sure of rising in society; I therefore would not send him out much in the character of a criminal; I would not have his residence in the Colony considered as a punishment, but as affording him the means of obtaining an honest livelihood.

1606. Does the Committee understand you correctly to say that the three advantages which you would expect from this course are, first, that solitary confinement is in itself a severe punishment; secondly, that it affords an opportunity of serious reflection; and thirdly, that transportation would deliver the criminals from those temptations to which they necessarily must be exposed if they remained in this country?—That is my full belief and conviction.

1607. What are the facts of which you are apprised, which induce you to adopt that conclusion?—As a visiting Justice for Middlesex, and as a member of the committee of the Refuge for the Destitute, innumerable instances come before me of persons returning to the commission of crime from the absolute inability of procuring an honest maintenance. I have seen many so circumstanced provided with the means of obtaining an honest livelihood, and conducting themselves for a series of years with the greatest respectability; and from this I infer that were the opportunity afforded to others, the result would be the same. Of the objects received into the Refuge for the Destitute, I should say that nearly two out of three become respectable afterwards.

1608. In the Refuge for the Destitute are they as much as possible kept from the contamination of bad example?—As much as possible.

1609. Is not the case widely different between that of a person who is just removed from the Refuge for the Destitute, where he has been undergoing a course of reformation, from that of a convict who is landed in New South Wales, after having been exposed to the renewed contamination of hardened criminals?—Nothing but sound principle will keep a man from the commission of crime; and I think that during a period of five or six months' solitary imprisonment, with the advantages of religious instructions, a man's principles may be so confirmed as to resist in a great measure the contamination of being exposed to the company of his old associates.

1610. Have you, in the course of your observations, seen many instances of the sentence of solitary confinement being carried into execution?—I have seen many instances for short periods, and I never yet found an individual who would resist the effects for more than 36 days, and only one instance in which it was borne so long.

1611. What species of solitary confinement is that to which you have alluded?—It was in a light cell, mitigated by the daily visit of the matron, the chaplain, and the governor, but without any employment.

1612. That was a woman?—Yes; I never knew a man bear the punishment for so long a period without being completely subdued.

1613. What do you mean by being subdued?—That they become orderly, quiet and submissive.

1614. Do you mean by their being subdued in those cases that they become orderly in the gaol?—Yes, orderly in the gaol.

1615. They express contrition, and they were then let out of solitary confinement, and they conducted themselves orderly in the gaol for the remainder of their time?—That is what I meant to convey.

1616. Have you an opportunity of watching the conduct of these persons after they went out of prison, so as to know whether that solitary confinement has had any permanent effect upon their minds?—They from necessity were compelled to return to the commission of crime, which led to a second conviction, and in the case alluded to, of transportation.

1617. Do you feel assured that they were so reformed, that but for this necessity they would not have returned to the commission of crime?—By no means.

1618. Are the prisoners you allude to, men or women?—Adults of both sexes.

1619. Did you remark any difference in those effects between men and women? The women would bear solitary confinement for longer periods.

1620. At this time, when you say they were subdued and become orderly, was the effect on their mind so strong that you would have been afraid of confining them in solitary confinement longer?—By no means: but after five or six days we have observed in many instances that their bodily health declines, and an additional diet becomes necessary.

1621. What

1621. What period of solitary confinement do you contemplate would be beneficial previous to transportation?—I would mitigate the confinement by more frequent intercourse with the chaplain, officers and governor of the prison, and by so doing, I think that they would undergo, without the least inconvenience, from three to six months.

1622. Have you ever known an instance of any person undergoing solitary confinement for anything like that period?—I have never known an instance, but I have heard of many in America, where the prisoners work at their trades in cells; and lately from a relation who had visited them in confinement.

1623. In those cases, where you say in five or six days their bodily health declined, they were visited by the matron, the chaplain and the governor?—In the case of women, by the matron and chaplain; in the case of the men, by the chaplain and governor.

1624. Does nobody but the matron visit the women?—The chaplain and female officers, and the governor, attended by the matron.

1625. Does the chaplain's visits continue any length of time with the prisoners?—I am not able to say.

1626. But I suppose his visits were for the purpose of advising and instructing the prisoners, therefore of course it is to be presumed he stayed a considerable time?—Certainly.

1627. How far would you extend the mitigation, by allowing more frequent intercourse with the officers of the prison?—In cases where it was practicable, I would allow prisoners to exercise their trade, and a great proportion of prisoners will be found to have trades; many of which may be practised in the gaol. In the case of the ignorant, I would allow them to receive instruction, and the necessary intercourse with the officers for that purpose would very much alleviate the sufferings of solitude.

1628. Am I to understand generally, that from solitary confinement you apprehend no pernicious effect on the mind, but only the bodily health?—From unmitigated solitary confinement I should anticipate the worst effects both in body and mind; but if it were alleviated by occasional intercourse and employment, I am not apprehensive of either the one or the other.

1629. Would it not be necessary to give prisoners, under a lengthened period of solitary confinement, some exercise to ensure their bodily health?—Absolutely necessary; but that may be accomplished by allowing them to exercise for an hour in the day in the galleries, and during a very long imprisonment occasionally in the open air.

1630. If a tread-mill were partitioned off, so that no communication could take place between the prisoners while on the wheel, might not a short period of work on the tread-wheel every day afford sufficient exercise, without any fear of contamination?—Perfectly so.

1631. Do you not think that in the combined system of punishment which you recommend, the probability of the permanent reformation of the criminals would be much increased, if in their transportation from the mother country, some regard could be had to selection?—Decidedly, if that could be accomplished; but I have observed the worst criminals frequently transported for comparatively slight offences, which makes classification in gaols and in houses of correction almost nugatory; this will also apply to transportation.

1632. In cases of prisoners who had no trade previous to their imprisonment, I suppose you would allow them a taskmaster to teach them a trade?—By all means.

1633. What facts are you acquainted with relative to prisoners in America, which bear upon the subject of solitary confinement?—It is a subject to which I have directed a good deal of attention; and the Reports of the Boston Prison Discipline Society, with which, as a member of the Prison Discipline Society here, I am familiar, have afforded me very interesting details; I have had besides frequent communications with those who have visited the institution, amongst whom Mr. Shillito has furnished me with detailed accounts; a Mr. Tucket also has done the same; within the last few days I had a Journal sent me by a Mr. Woods, giving an account of the prisons in Philadelphia and Sing Sing.

1634. In the Journal to which you have alluded, is there any statement relative to the difference between the prison of Wallnut State and the State Penitentiary in Pennsylvania?—With the permission of the Committee, I will read the extracts from

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from the Journal which contains them. [*Here the Witness read an extract from the above document.*]

1635. Are you enabled to state any other facts relative to the effect of solitary confinement in America?—Nothing more than would be found in the various printed Reports from different establishments.

Mr. *Robert Smith*, called in; and Examined.

Mr. *Robert Smith.*

1636. WHAT situation do you hold?—Overseer of the Justitia Hulk, at Woolwich.

1637. How many prisoners are there on board?—Our number this morning was 318, part of which were in the hospital.

1638. Are those prisoners employed every day in the works of the Royal Arsenal?—Yes, when the weather permits; but blacksmiths, carpenters and sawyers at all times.

1639. While these men are at work on shore, are they under your superintendence at all?—Yes, myself and officers.

1640. Do you land every day at present?—The ship at present is attached to the wharf, and they walk out on to the wharf, as we do not use boats now.

1641. While they are at their work, are they under your superintendence?—Yes.

1642. Do you make a practice of frequently visiting them during the time of their labour?—Yes, and generally go round once a day.

1643. Are those men employed in gangs?—Yes, they are.

1644. Are they in irons?—Yes.

1645. Are they constantly under the eye of some officer?—Yes, they are told off in gangs, under the direction of the first, second and third mates and quartermasters.

1646. Have they, when on shore, an opportunity of neglecting their work?—Not that I know of; they are so completely under the control of superintendents, they could not do so; they are never out of sight; should a prisoner want to attend the calls of nature, a sentinel always accompanies him there and back again.

1647. Have they, during the time they are in the Arsenal, any opportunity of committing any thefts or depredations on the stores?—Very seldom we have a complaint of any theft; the prisoners employed in the engineer's department work out of doors, not in stores or warehouses, but others work in the storekeeper's department, and sometimes are employed in storehouses.

1648. Have you known instances of their having purloined things from the stores?—Yes; but I have no complaints generally. When I was stationed at Sheerness, I have observed them, that they have taken a wooden wedge, which circumstance being reported to the overseer, the parties were punished.

1649. Did you ever discover that they took any sheets of copper?—Not in my time.

1650. Would it be perfectly practicable for them so to do, and conceal it in the Dock-yard, with the aid of the workmen?—If the free men would assist the convicts to plunder, I think it would be practicable.

1651. But if you never left them working in the stores, and confined their labour to hauling timber and dredging mud, would it not be impossible then for them to commit depredations?—There would not be an opportunity then, by the prisoners being prevented mixing with the free men.

1652. Would there not be ample employment of such work?—Yes, at the Dock-yard.

1653. Would it not be more easy to employ them profitably if they were told off into smaller gangs?—That is according to the nature of the work, as at present they go off in small and large gangs.

1654. Have you any reason to believe there was collusion between the prisoners and the free labourers in the Dock-yard?—I have been 19 years in the Arsenal, and I believe, from what I have heard, that there has been collusion between the convicts and labourers; of what nature, I am unable to state to the Committee.

1655. Supposing those stolen goods were concealed, and were disposed of by the free labourers in the Arsenal, would they be able to give to the prisoners the proceeds which they obtained for those stolen goods?—I dare say they might find a way to do it unknown to us, but we take every precaution, by frequently searching them.

1656. Do

1656. Do you search the gangs when they return on board?—Frequently.

1657. Not continually?—Not every day, for this reason, that we should not so soon be able to detect them.

1658. What manner of search do you enter into?—Examining them all over; as close an examination as we think necessary; and upon the least suspicion, they are taken into the sheds and stripped.

1659. Has there been any complaint of any great depredations committed in the Arsenal, or any depredation?—Not generally; there has been once or twice something said to be missed, and it was supposed the convicts had taken it, but on search we could not find any thing brought into the ship.

1660. It has been stated to the Committee, that the labour of the convicts is by no means hard, that they do not work so many hours in the day as the free labourers, because a good deal of time is lost in mustering them, bringing them on shore, and taking them back to the ship; would it not be possible to increase the length of time at which they are at work?—At the Arsenal we have increased the length of time for the last two or three years; they go out for an hour and a half before breakfast, which commenced on the first of March.

1661. Do the prisoners, while at work, seem tolerably cheerful?—Generally so.

1662. They do not appear dejected?—No; they look for the time of going to labour and returning, as regular as the free men. I very seldom have occasion to punish a man for refusing to work; we have some fellows a little refractory, but they generally do all that is desired of them. I have hardly ever had a complaint of their not doing what they were desired to do.

1663. Do they ever work for any body but the public?—It has been forbid for years.

1664. Are they ever worked outside the Arsenal?—Yes; they work on the Board of Ordnance ground, which is beyond the wall, but that is on the Ordnance works.

1665. Can they, when working beyond the walls, have any communication with persons of the town?—Yes; because the ground is only enclosed by a hedge; therefore it is not impossible but persons from the town may communicate with them.

1666. If it is land belonging to the Board of Ordnance, is it not perfectly competent to them to warn any body off?—We have military men for the purpose; but it is not at all times impossible, because people will speak in passing along the road.

1667. Is there a thoroughfare?—No; there is a road that passes by it which leads to Plumstead.

1668. How many guards are there to each gang?—Generally one of our ship's companies and a soldier, or two or three soldiers, according to the place where they are employed, that there should be no escape.

1669. Is there not a quarter of an hour allowed when they come on shore, when they go to breakfast another, when they go to dinner another, and when they go back in the evening another?—Yes.

1670. Does not that in point of fact subtract one hour from the time they are supposed to be at work?—It is not at all times quite so much; it depends on the number of convicts.

1671. Averaging about three quarters of an hour?—Yes.

1672. When a man returns on board, state what is the course of proceeding?—In the winter season we muster as soon as we return on board, and then serve down their supper at six o'clock in the evening; on Mondays we hold school in the chapel; the youths, indiscriminately, are made to come in and receive instruction, and books, pens, ink and paper are provided for them, and the mates superintend the instruction, and all other prisoners who are willing are allowed to come in.

1673. Where is the school?—In the chapel.

1674. How long does the school time last?—From three quarters of an hour to an hour.

1675. What are those prisoners doing who do not attend the school?—They are reading their books. On Tuesday evenings we hold chapel for service.

1676. Are they all obliged to attend?—Yes, and occasionally psalms are sung; the better sort of prisoners form a choir, and I allow them to rehearse the psalms. On Wednesday evening prayers are read in the classes where they are locked up, during the time the prisoners are on board; after returning from labour, until they are called out, they are continually separately locked up in the divisions; similar duties are done every day in the week.

 1677. What

Mr. *Robert Smith.*

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1677. What do those convicts do who do not attend school?—They are locked up in their wards.

1678. After being so locked up, are they allowed the indulgence of tea and beer and smoking in their ward, and to have also the use of candles, provided they furnish themselves?—For the safety of the ship a lamp is provided in each ward, and those who wish it employ themselves by reading. We have no work now; formerly they were allowed to work sometimes for themselves, making pincushions, pegs and so forth; but that is all done away with now. At eight o'clock in the winter all hands are ordered to rest, and the lights are put out.

1679. Do they in fact all go to bed?—I never heard that they did not; the officer who has the charge of the watch parades through the division, and sees that the orders are attended to.

1680. Do you mean to say in fact, that they are all in bed by eight o'clock?—I have never had a complaint of a man being out of his hammock after the time he is ordered to bed.

1681. How is it ascertained they are gone to bed?—We have a watch kept between decks to see them to their hammocks; also to prevent any noise or disturbance.

1682. Does the officer look into the ward?—Yes; there are three persons in each watch; one takes charge of the quarter-deck, one is continually parading in the lower deck, and the other has the charge of the main deck, and occasionally down in the middle deck.

1683. Does he look into the wards?—Yes, he does; by reason of the opening between the iron bars; he is there for that purpose.

1684. Are there lights burning all night?—Yes, in each cell; we allow that for the safety of the ship. It was found formerly, that the whole 300 or 500 had the opportunity of collecting on one deck.

1685. Why is that?—Because formerly there were no divisions.

1686. What necessity is there for those lights now that there are divisions?—One thing is, that the men must see their way to the water-closet; for they are so careless, that if we had not lights, we should have nuisances.

1687. Do not their lamps afford sufficient light for the prisoners to read or walk, after the candles are put out?—No prisoners are allowed to walk in the cells after the hour of retiring to rest, except to the water-closet; but there is a man on watch, whose duty it is to see that all the lights are out, except the one before-mentioned.

1688. After the men are shut up, and before the lights are put out, are they allowed the indulgence of tea, tobacco or beer?—They have no beer but a pint which serves for their dinner. Three-fifths of the convicts are allowed 3*d.* per day, two-fifths, 1½*d.*; two-thirds of this amount is laid by until such time as they are discharged or pardoned, and the other third they receive weekly, which enables them to purchase from a shop-keeper, who is allowed to come within our boundary, a small portion of coffee, sugar and tobacco; and after locking up, they are allowed to smoke for one hour for the benefit of their health, previous to their retiring to their hammocks.

1689. Are they allowed to sing and play on any musical instrument?—No.

1690. Are you quite sure they do not do so?—I never heard any musical instruments between decks, nor is it allowed; the only musical instrument that is played is in the chapel at service.

1691. You can state with confidence, that the prisoners are kept perfectly quiet between decks after they are locked up?—They are in general in my ship kept perfectly quiet.

1692. Must you hear, if there is any noise or tumult going on?—Yes, most undoubtedly; the cook cannot put his poker down without my hearing it when I am on board; because I am apprehensive they may be attempting to break out; therefore I do not allow even a nail to be drove, without applying to me or one of my officers.

1693. Did you ever know them to have cards or dominoes?—Yes, I did formerly; but since the alteration in dividing the ship into cells, and the present management, it has been done away.

1694. When was that?—Within the last fourteen years.

1695. Does the chaplain often visit the prisoners?—The chaplain attends two services every Sunday, one on board the Justitia, and one on board the Narcissus; he administers the sacrament three times in the year, attends all funerals, visits the sick, examines and admonishes all refractory convicts.

1696. Are

1696. Are they allowed to read after they are shut up?—Yes; they are provided with Bibles, Testaments, slates and pencils; those who are willing to use them have the opportunity of improving themselves.

1697. Is there light enough to read in their wards after they are locked up?—Yes, till eight in the winter and nine in the summer.

1698. Are you sure they never have any other books besides religious books?—I should think not, but I cannot say positively they have not; they may have them without our knowing it; but it is not allowed, except such as are issued under the direction of myself or the chaplain.

1699. Do they ever get spirits on board?—I think they never do.

1700. Did you ever know an instance?—I have only detected one within the last nineteen years.

1701. May not those persons of whom they buy their tea and tobacco convey spirits to them?—No; I take care of that; my ship lies near to the shore, and the wharf is inclosed, so that there can be no access, unless they come in at the gate; when the shop goods come in we take them from the persons, and they are laid out on the table, either under my own eye or one of my officers; then the person delivers them, and walks away.

1702. Are they paid for the goods through the officer of the ship?—I am answerable for the payments, for this reason, that there should be no connection between the persons of the town and the prisoners: another reason is this; I tell the persons who serve the shop goods, "If I know you to have any improper correspondence with the prisoners, such as bringing in or taking out letters, liquors, tools, saws, screws, or any thing that may tend to get them their liberty, of course you lose the serving of the ship."

1703. Do any of the prisoners on board your ship sell tea or sugar?—No, not under the late management.

1704. Have you ever known of the prisoners robbing one another?—Yes, they will do that if they can.

1705. Do not they always do it?—Most likely, if they have the opportunity.

1706. Do they not always have the opportunity?—No, because they have not always any thing to be robbed of.

1707. Have they any means of disposing of the articles, supposing they rob them of other prisoners?—Perhaps they may, but if detected they are always punished.

1708. Are you sure that they are so closely examined when they come on board, that they can have no money, or silver snuff-boxes, or other small valuable articles about them?—I do not think that any man could secrete a silver snuff-box, or even a knife.

1709. They could money?—Yes, they could secrete money in their mouths under their tongues.

1710. May not their friends, when they come to see them, give them such articles?—Yes, money, but very rarely it happens; but on searching when their friends have left them, sometimes I have found money in their possession, but that is taken away from them, and forfeited.

1711. If a man brings some money on board with him, is he not required to give it up to you?—Yes.

1712. Do you make any allowance to him out of that money weekly, or is it reserved for his use till the expiration of his sentence?—He receives nothing from me out of that private cash, without it is to pay for a letter.

1713. Then does it ever happen to you that prisoners bring four or five-and-twenty shillings, and that you allow them a shilling a week, upon their giving it up to you?—That was the case formerly, but it has been done away with for years; I will say ever since 1827.

1714. Are the prisoners allowed to receive visits from their friends?—Yes.

1715. Is there any limitation to the number of visits they may receive in the course of the week?—Yes, there is.

1716. How many days in the week would you allow a man to see his friends?—Once a week, for half an hour.

1717. You would not allow a convict to receive visits three or four weeks running?—No.

1718. You would not allow them to remain on board the ship, absent from their work?—No.

 1719. When

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1719. When a female visits a prisoner, where is she allowed to see him?—In a shed opposite my quarter-deck, where the officers and I can see them.

1720. Is she ever allowed to go below with him, or in the smoking-room?—No, I never allow it; we have no smoking-room.

1721. Do you inquire before females come on board, whether they are relations to the convicts for whom they inquire?—In general I ask when a prisoner is inquired for, "What relation do you bear to the prisoner?"

1722. Does it not require constant superintendence to preserve duty?—I am generally there from seven in the morning to six in the evening; I have been absent but one week at a time for nineteen years.

1723. When a prisoner is discharged, do you call on him to sign any thing?—Only his receipt for the money I pay him, which receipt goes to the Secretary of State's Office at the end of the quarter; he signs nothing else.

1724. Is there no signature of his having so many suits of clothes?—No nothing of the sort.

1725. Are those receipts in a book?—No, on slips of paper.

1726. If a well dressed person wishes to see a prisoner, and states himself to be a relation, do you admit him?—Yes.

1727. In point of fact, does it not happen that their old associates come to see them?—We never allow them if we know it. No man who has served on board the Hulks is allowed to come.

1728. Is there no limitation in the number of letters they are allowed to write or receive from their friends, if they are submitted to your inspection?—No, I have no orders to that effect.

1729. Have you any reason to believe letters are ever secretly conveyed to the prisoners, or from them to their friends?—I believe it has been done, because we have detected letters about their persons which have not gone through the Post.

1730. Do you know by what means it has been accomplished?—I guess by means of the free men.

1731. Do they appear tolerably comfortable on the whole?—Yes.

1732. If a man can overcome the sense of shame, does he find the punishment very irksome?—It is according to the feelings of the man; I believe very few do.

1733. Supposing they were debarred all communication with their friends on shore, not allowed to receive any letters or receive any visits, would that be a great aggravation of their punishment?—I think so, certainly; I think it would prey so much on their minds that it would break their hearts.

1734. Suppose, instead of allowing them 6*d.* a week to spend in those trifling luxuries, if they were allowed nothing but ship's allowance, would not that add to their punishment?—I think the ship's allowance would not be sufficient. Then we should have the doctor's list full; if you save one way, there would be an extra expense in the other—in the medical department.

1735. Is cleanliness attended to?—Yes; every morning we make them wash their face and hands before they go on shore; and in the summer season we have tubs of warm water in the yard for them to wash their bodies; they have their hair cut once a month regularly, and as often as they may be required.

1736. Would it be possible to fit up the Hulks in such a manner as to have a separate cell for each convict?—It is not quite impossible, but it would not pay the expense, and there would be very few on board.

1737. Still would it not have the effect of increasing the irksomeness of their punishment, and also of keeping them from that moral contamination to which they are now exposed from sleeping together in such large numbers?—I do not think it would ever do in a ship, because the men would soon get ill from close confinement; to put a man into a place from four to six feet square, they would soon be ill.

1738. The Committee are told, in some of the Hulks, that the prisoners are overrun with vermin, and the classes and places are in the utmost filthiness?—I have not seen any vermin in my ship. There are some dirty old men, who are very filthy.

1739. Are the Committee to understand you to say, that, generally speaking, the convicts under your charge are clean?—There are some men more filthy and dirty than others.

1740. Do you frequently have prisoners return under your care, after having undergone their punishment?—There are a great number return, not only from the Hulks, but from the Penitentiary.

1741. Do you suppose that a man has ever been reformed after having been on board

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board the Hulks?—I can point out several, but it is very rare. A man that was pardoned six weeks ago is now in a situation at Rotherhithe, receiving 30*s.* a week.

1742. How long had he been on board?—Upwards of four years.

1743. What was his offence?—I cannot charge my memory; some trifling offence.

1744. Generally speaking, do you not think a man more likely to be made much worse than better by the Hulks?—Not by the Hulks; they are generally contaminated before they come there.

1745. If a man was sent there for a first offence, could he live for a length of time amongst the most depraved and abandoned characters without becoming completely demoralized himself?—No doubt he would get contaminated; a man may have been convicted for several offences before he was transported and sent to the Hulks; but a greater part of them are lost to all sense of feeling before they arrive at the Hulks.

1746. You say that you lately discharged a man who was reformed; was there any thing peculiar in your mode of treating that man?—He lived in his cell amongst other convicts, and he worked as a tradesman amongst other blacksmiths; he did not go to break stones. We class our men in two or three classes, as it were, blacksmiths, and sawyers, and carpenters; I expect he was not so strongly contaminated with vice as most of those who are sent to the Hulks.

1747. How do they employ the Sunday, after they are dismissed from the chapel?—They have little time to themselves, for I have a chapel service three times a day on Sunday; between the services they are allowed to walk on the deck for air.

1748. During the time they walk on the deck for air, are they allowed to converse, unheard by any officer?—Of course they are.

1749. The prisoners on board the Hulks, then, have frequent opportunity of conversing together upon any thing they choose, and unheard by any superintendent?—I should expect if they were conversing together for the purpose of committing a robbery, of course they would not do it in our hearing.

1750. They have the opportunity of private converse?—Yes.

1751. Have you ever had any of the better class of convicts, men of education?—Yes.

1752. Do you make them work with the rest?—Yes; I pay no respect to persons.

1753. Do you find that these men acquire the habits of labour?—Yes.

1754. You have the power of recommending a certain number to pardon?—Yes.

1755. What is the number?—Two out of a hundred in the quarter, who have served more than half their time; eight out of every hundred in the year.

1756. I suppose your recommendation is generally attended to?—I recommend a number, and out of that number recommended, a proportion of them only receive their pardon.

1757. Have you any thing to do with contracting for the provisions?—No.

1758. Who does?—That is done by the superintendent, who enters into the contracts.

Martis, 13° *die Martii*, 1832.

Samuel Hoare, Esquire, again called in; and further Examined.

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1759. HAVE you made any inquiries relative to the probable expense of converting Tothill-fields Bridewell into a place for the reception of female convicts?—It is so exceedingly out of repair, that I consider it would be necessary to pull it down and rebuild it entirely; then there remains only the site of the ground, and that is objectionable; it is a very low bad situation. In reply to the inquiry made on a former day, the cost of the New Bridewell at Westminster will be about 163,000*l.* including the purchase of the ground.

1760. For how many will there be solitary cells in that?—For five hundred; but the cost is very much increased by the extreme badness of the foundations. I was

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informed by one of the persons who sent in tenders for the work, that the concrete for the foundation alone would not cost less than 30,000 *l.* I mention these circumstances lest others should be deterred from building, under the idea of the enormous expense of this erection. Referring to the questions which were asked me last week, I stated that the number of the inmates of the gaols would be very much diminished by more frequent gaol deliveries, and more cases being tried at sessions than is at present the practice. I will now add, that that number might be most advantageously diminished, to a greater extent, perhaps, than by either of those expedients, by the magistrates being induced to take bail for minor offences; not requiring the heavy bail which is now demanded of ten and twenty pounds, but to take a bail even of a few shillings for the appearance of parties in the humbler classes of society. I think that by that means good feeling would be promoted, and the ends of justice fully answered.

1761. Do you think it would be advisable to increase the summary power of magistrates in respect of minor offences, giving them a power, where there are not less than two assembled in petty sessions, of sentencing prisoners for minor offences to solitary confinement for short periods, instead of committing them for trial to the assize or sessions; and by way of preventing the abuse of that power, allowing the party accused to take his trial at the assizes or quarter sessions, if he preferred that to the award of the magistrates?—I think that practice might be adopted with great advantage.

1762. What limit would you put to those offences on which two or more magistrates had power to adjudicate?—My idea is, that magistrates in petty sessions should have the power of committing, as suggested by the question, for short periods in execution, giving the accused party the option of taking his trial at the assizes or quarter sessions.

1763. What species of limit would you affix to define those trifling offences over which magistrates might exercise this summary jurisdiction?—For petty thefts of almost every description.

1764. If a middle-aged man were charged with a very trifling offence, perhaps his first offence, would you not extend to him that merciful species of punishment?—At his option, certainly.

1765. Do you not think it might be expedient, where petty sessions are held at a considerable distance from any gaol or house of correction, that small subsidiary gaols, such as lock-up houses, should be erected in the places where the petty sessions are held, and commitments made to those?—Those small prisons are for the most part such scenes of iniquity, that I should be very loth indeed to increase their numbers.

1766. The question supposed them to be places destined for the imprisonment of persons sentenced to solitary confinement, that the prisoner should be immediately taken to his solitary confinement, and there kept for the short period of his sentence, and that they should be small gaols, containing only ten or a dozen cells?—I am afraid we should either have contamination with other prisoners, or solitary confinement; in places of this description which I have seen, prisoners of various descriptions, perhaps not more than four or five in the whole, are associated together.

1767. The question supposes a complete separation between the persons imprisoned for a short period of perhaps not more than a fortnight, and bread and water diet?—I consider that it would be very difficult to procure proper superintendence, inspection and employment under these circumstances; small places of confinement have been, and I believe are now, in almost every instance, grossly neglected; if there are a considerable number of prisoners together, the attention of the magistrate is attracted, and the discipline is properly attended to; but I never recollect a small gaol yet, and I have visited many, where great abuses did not exist.

1768. In those small gaols you allude to, was there not an association of all the prisoners?—They were not confined in solitude.

1769. Do you not think that complete separation would obviate all objection?—It would certainly prevent contamination; but I think the objection still would be very strong; they would be debarred in a great measure from religious instruction, and probably employment.

1770. You have seen a number of those prisons?—I have seen a good many.

1771. Did you ever see any one of them conducted as you think a prison ought to be conducted?—No; I think that impossible; if the law allowed of their being confined

confined in solitude, some of the objections are obviated; but I believe it will be found generally to be the case, that it is indispensably necessary for the good management of a gaol that the keeper should reside within the walls; now, if he is the principal constable of the place, he, from the nature of his avocations, is continually called away, sometimes for days together; and to leave four or five prisoners locked up in solitude, perhaps under the charge of the wife or daughter, I think must be attended with great inconveniences.

1772. Are you acquainted with the nature of the Scotch gaols?—Many of the Scotch gaols are very similar to those referred to, where the keeper lives at a different part of the town, and the prisoners are left to themselves, with the addition, in the Scotch gaols, of the windows of some of them opening into the street, by which means the prisoners can communicate with the passers by.

1773. Do you consider that if the Hulks were improved to the utmost degree they are susceptible of, they still might be made an efficient mode of punishment?—I consider them to be so radically defective, that though they are susceptible of improvements, a prisoner can never be sent to them with any hope of his reformation.

1774. Have the goodness to state what are the radical defects?—A perfect impossibility of classification by night or by day; the great facility with which prisoners communicate from without, and the great difficulty of inspection. There is every thing to encourage crime, and scarcely any thing to check it, except religious instruction, and that is in some measure conducted by men who are themselves convicts. At present there is another very strong objection which I feel to the Hulks, that they are under the exclusive superintendence of an individual, who, though I believe him to be a most meritorious and excellent officer, cannot give his whole time to this engagement; and from what I know from my own experience as a visiting justice, for one man to superintend places of confinement in which 5,000 individuals are confined, is perfectly impossible. I see no reason why, if the Hulk system be continued, they should not be placed, like other places of confinement, except the Penitentiary, under the superintendence of magistrates; the superintendent's visits must be only occasional.

1775. You do not think the Hulks can be brought to aid the Penitentiary?—I consider them objectionable altogether; what confirms me in the opinion, is the feeling which I observe universally entertained by the public against a man who has once been in the Hulks; if he has been in gaol he may be received again; if he has been in the Hulks, I should say never.

1776. You have spoken about the religious education in the Hulks; do you suppose there is anything like a uniform system of religious education in the Hulks?—There is a uniform observance of religious services; and the chaplains visit the prisoners according to their own feelings of duty.

1777. Does your principal objection to the system of the Hulks arise from the fact of their being all together by night as well as by day?—That is my principal objection.

1778. If there were means of separating them by night, would that obviate a considerable portion of your objection to the Hulks?—Their being together at night is certainly one of my leading objections; but their being together by day, and mixed up with free labourers, and communicating with the public, would furnish a considerable objection.

1779. Do not you think, if all other objections were removed, the want of inspection furnishes a strong objection?—I think so.

1780. Does not that objection to their mixing at the hours of labour, apply equally to the system of punishment by transportation to New South Wales?—Whilst they are worked in the road gang and in the gaol gang, that objection would certainly apply; but I consider that practice a very great defect in the system of transportation; I am anxious that the criminal should undergo his punishment here, and be transported, as a means of preventing his recurrence to crime.

1781. Are you aware that there is no prevention to the mixing of convicts with settlers?—Except at Sydney and Paramatta; they are all widely scattered over the country, and the circumstances of their life prevent much intercourse with one another.

1782. Do you think it would be possible, without a most enormous outlay, to provide means of separation by day as well as by night, extending to the whole mass of convicts now on board the Hulks?—I consider, from the construction of the Hulk, that separation would be impossible; I think it cannot be done.

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1783. Would you propose the building other penitentiaries?—No; I would transport criminals, after a period of solitary punishment.

1784. You have said that you think classification impossible in the Hulks; might not it be carried into effect by means of appropriating different classes to different Hulks, in the same manner as the Eurydice is now appropriated to boys?—It might in some measure be obtained, certainly; but men are frequently convicted of a trifling offence, and sentenced to the Hulks, who have been previously guilty of a very heavy crime. As an instance of this in a prison where classification is attempted, I recollect a man who was tried for cutting off the head of his child, and placing it on a table to meet his wife's view when she returned into the room, and where he merely escaped the punishment of death by a technical difficulty. I saw this man a few days afterwards, as a misdemeanor, among the trifling offenders.

1785. Would the same objection apply to every other system?—Not to the system of separation, which I earnestly hope we shall see; solitary confinement while in this country, and transportation when they have undergone their sentence.

1786. If instead of confining convicts on board the Hulks, they were confined in separate buildings on shore, and only allowed to be together when at work in the Arsenals or Dock-yards, do you think that that species of punishment would be very objectionable?—I think it would, and in a great measure from having observed men working in the Arsenals and Dock-yards; the language they use, the idleness which prevails throughout, are quite disgusting; they show that they must be corrupted or corrupting one another.

1787. Would it not be possible to make them work silently, as is done in the gaol of Sing Sing?—I do not think it would; silence is attained in the gaol of Sing Sing by the constant application of the whip. I should be very sorry to see the use of the whip entrusted to any officer.

1788. Why do you prefer a system of punishment in this country previous to the convict going out, to his going out in the first instance, receiving his measure of punishment after he reaches New South Wales, and then being given over to a settler?—I think it is much more likely to be properly inflicted near home than at a distance; there is much less opportunity for abuse; the great object which influences me to recommend transportation at the end of the period is, not only that the prisoners would consider it as a great punishment, but that they would go out with an opportunity, by that means afforded them, of becoming respectable; an opportunity which they have rarely in this country.

1789. Is there not this objection, that it would perpetually happen, as does happen to prisoners at the Hulks, that when a term of long confinement in this country expired, and previous to their going out to New South Wales, there would be intense application at the Home Office for remission of their sentence?—Those applications for remission should not be attended to; nothing is more injurious in enforcing punishment than frequent pardons.

1790. Should not any system of punishment take away hope as much as possible?—Entirely, for if there is one hope in a hundred chances, the criminal will cling to that hope.

1791. Your plan contemplates the erection of a number of new places of reception for the convicts, previous to their being transported?—I have a proposal to suggest; I certainly doubt how far it may meet the sanction of the Committee, but I am convinced it might be attended with very beneficial consequences, and be highly satisfactory to the public at large. The Penitentiary at Millbank is now not half occupied; if the present day-rooms were converted into cells, a great many more prisoners might be confined therein. The system at the Penitentiary, from the construction of the building, might, without any difficulty, be made considerably more severe, and consequently more beneficial than it is at present. I should wish it to be more severe, because it is a great object that the period of confinement should be shortened as much as possible; the Penitentiary, without any difficulty, might be made to contain 1,200 inmates; supposing that a person, previous to transportation, underwent, on an average, three months' imprisonment, and at the termination of that period should be sent abroad, we then could dispose of 5,000 prisoners in execution annually; that number, I think, after a very short time, would be as many or more than it would be necessary to make provision for. I would suggest, that instead of the expenses of the Penitentiary being borne, as they now are, by Government, the plan introduced at the County Lunatic Asylums, should be adopted; there the estimate of expense is taken once a quarter, and each parish is charged according to the number of inmates it sends. I would have

have the Penitentiary, in like manner, supported by the counties, each county paying their proportion of the expenditure according to the number of criminals sent from thence.

1792. Do you think three months' confinement in the Penitentiary would be a sufficient punishment for trivial offences?—I think, that under a severe system of discipline it would be much more effectual than almost any punishment we are now in the habit of inflicting.

1793. Do not you think the system you have recommended would create a direct interest against commitments in the counties?—I should think not; at present the counties have to bear the expense in their own houses of correction; instead of this they would have to pay the expense of the Penitentiary. In the graver cases the judges might think fit to sentence to six months' mitigated solitary confinement; and when I speak of solitary confinement, I mean always mitigated solitary confinement; for we have clear evidence that solitary confinement, without labour and without employment, is productive of the most mischievous effects to the body and the mind; the evidence is, I think, almost equally clear, that solitary confinement, mitigated by employment and occasional communication with the officers of the prison, is attended with no inconvenience whatever either to their health or intellects.

1794. Having stated that you would make the punishment of the Penitentiary more severe, have the goodness to inform the Committee how you would effect that?—The great measure I should take, would be to do away entirely with the second classes; I would enforce more silence. I have not been over the Penitentiary lately; but I have been there during the absence of the officers, and have observed conversation going forward from one end of the galleries to the other.

1795. In the first or second classes?—In the first classes this is the case, unless there is an officer present; the men know pretty well by signs when the officer leaves the place; then the conversation at once commences, and it is very difficult to ascertain from what cell it proceeds; they work together also at the crank-mill, where they have an opportunity of communication. When on the spot, there are several other little points in which I should propose to add to the strictness of the solitude.

1796. As the object is to make the punishment as severe as possible, would it not be advisable to debar them from all communication with their friends while in the prison?—Most decidedly, excepting upon one ground; the object of punishment is in a great measure prevention of crime; I should very much wish to afford prisoners opportunities of stating to their friends the restraints they are suffering, and the sort of treatment they are receiving; from the reception of letters I would certainly debar them. A remark made by a prisoner in the Philadelphia Gaol confirms me in this; he spoke of not being allowed to hear from his friends, as one of the most severe parts of his punishment.

1797. Do you think it would be advisable to give a judge the power of establishing corporal punishment in addition to imprisonment?—Most undesirable; I would never degrade a man of whose reform I entertained the least hope.

1798. Would you make an exception in respect of boys?—The punishment of whipping inflicted on boys in prison, I conceive highly detrimental; and I should say broadly, and I speak this from communication with the officer who was long employed to inflict the punishment in the House of Correction, Coldbath-fields, that they scarcely ever flog a boy once without flogging him twice. The flogging adds to the difficulty of procuring employment on his discharge from prison.

1799. What length of solitary confinement is practised in America?—The sentences there are frequently for as long as seven years; but there transportation is not in practice; I do not suppose that any have ever undergone that sentence of seven years, because the new system has not been introduced for a sufficient length of time.

1800. How long has it been practised in America?—I should not think above four years.

1801. What has been the effect of solitary confinement without labour?—That the prisoner has suffered both in health and intellect.

1802. What do you understand to be the effect of solitary confinement accompanied with labour?—It is impossible to speak with confidence, because the trial has not been sufficiently made; but the effect produced upon the criminals is most encouraging; as to the effects of labour combined with religious instruction, I should state, that though the Americans began at first without regular religious instruction,

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instruction, they soon found the absolute necessity of it, and now, I believe, it is introduced in all their penitentiaries.

1803. As far as you know, do you think the improved system of prison discipline in America, solitary confinement, accompanied with labour and religious instruction, has produced good or evil effects?—I feel perfectly certain that it produces the best effects, and I have my information from one on whom I can rely; the present Warden of the New Penitentiary in Philadelphia, I have known for many years; fourteen or fifteen years ago he was visiting the gaols in this country, during which time I had frequent communications with him; he is a very intelligent, humane man, and is now putting his experience into practice; the Report in my hand is made by him; knowing the man so well, I feel perfect confidence in the veracity of the statement, and the view he takes is most favourable; he has been since the beginning of 1828 the Warden of the Philadelphia Penitentiary, from its very institution; we have printed accounts up to the end of 1830, and the Journal which I had the honour of laying on the table last week contained the account to August 1831; up to that period all his expectations had been realized.

1804. Had there been a decrease of crime in Philadelphia during that period?—That I am not able to state.

1805. Do you mean, by saying that his expectations had been realized, that he found the punishment act as a reformatory punishment?—Entirely; and he felt confident hopes of the reform of all under his care.

1806. He could have formed this opinion only on their conduct in prison?—Only three had been discharged that I have heard of, and those three only for a short period; therefore nothing can be inferred from that.

1807. Do you think that a system of solitary confinement, upon the plan of America, would be the most effectual species of secondary punishment which could be introduced in this country?—The most effectual combined with transportation; the period for which I would confine them is much shorter than that to which they are sentenced in America; but at the termination of that period, by sending them abroad, I would give them an opportunity of becoming respectable.

1808. You would transport every criminal?—All on a second conviction, and many on the first conviction for a grave offence.

1809. As to those whom you do not propose to transport, what length of solitary confinement would you inflict upon them?—I consider that six months in almost every instance would be enough.

1810. Do you consider six months' solitary confinement a sufficient punishment?—For most offences.

1811. Can the trifling difference you suggest account for the great difference in effect, as the prisoners do not at present appear to be reformed, though confined for five years?—I am quite satisfied the second class did away with every good which was done in the first.

1812. If the prisoners, after having been a year and a half in the first class in the Penitentiary, are found to be so ineffectually reformed as to be unfit to associate together in the second class, without relapsing into their former state of depravity, do you suppose it possible that prisoners, after a short period of from three to six months' solitary confinement, would not be exposed to the same chance of relapsing during their voyage to New South Wales?—Great improvements have already been adopted in the discipline of the transports to New South Wales, and much greater, I feel perfectly confident, may be introduced with more superintendence; I am inclined to believe, in a small confined space like the prison of a transport ship, silence or nearly silence during the voyage might be achieved; there ought, in my opinion, to be an officer with them night and day.

1813. Your object is to render the Penitentiary a general receptacle for convicts previous to their being transported?—That is the system I have suggested.

1814. Would you send all the convicts, good and bad, to New South Wales?—I would endeavour to class them, as much as possible, according to their crime and their previous habits. Agricultural labourers, poachers, machine-breakers, I would send to Canada. Housebreakers, pickpockets, and prisoners of that description, I would continue to send as heretofore to New South Wales.

1815. What would you propose to do with the convicts sent to Canada?—I would employ them on Government work; from accounts I have recently received

from

from men whom I sent out last Spring, I find the current wages of a labouring man is fifteen shillings a week, besides board and lodging. Government works, for the improvement of Canada, are carrying on; and from the high price of labour those works must be conducted at a very heavy expense; I would therefore send a criminal, after he had been in the Penitentiary, to Canada, and would employ him on the Government works till he had entirely reimbursed the expense of sending him out; and then I would give him the option, either of procuring labour with the settlers, or continuing at wages, under the current wages of the country, in the Government service, so that there should be no excuse whatever for returning to crime from want of employment.

1816. Do you think it would be advisable to allow those convicts who have undergone their punishment association with those who have newly come out?—Few, if any, would remain in the employ of Government; and I wish that all should be provided with a resource in case of need.

1817. Would not they be very likely to desert to the United States, unless they were strictly watched?—Probably they would; but I do not consider that at all an insuperable objection; many, no doubt, would.

1818. Would there not be a great facility of escape from thence to the Mother Country?—Those I would send to Canada, having undergone their punishment before they were sent out, I do not consider that the ends of justice would be defeated by their return; but from the state of Canada, compared with that of this country, there is very little inducement to a labouring man to return.

1819. Would there not be a risk that men at first going out there would feel there were facilities afforded them of escaping to the United States, re-shipping themselves there, and coming back to this country?—I have no doubt there would; but I consider that their punishment having been already undergone in the Penitentiary, that it is as much for their own benefit as for that of society to send them to Canada.

1820. Do you think they would consider it a benefit to be obliged to work without receiving wages?—The period for which I propose they should labour in the service of Government is so short, that I do not think it would be felt as a great grievance; I suggested three months. The wages of a labourer in Upper Canada are fifteen shillings a week, with board; at this rate, in three months the Government would be fully repaid the expense of transportation. I think a man who is sent out of the country as a criminal ought not to be put in the same situation as a free emigrant, therefore I would make this distinction on his first arrival.

1821. Do you think that six months' mitigated solitary confinement in the Penitentiary, and three or four months' labour in Canada, is a sufficient punishment for men now sentenced to be transported for fourteen years?—If a man is sentenced to transportation for fourteen years, it is for a grave offence, and in that case I would propose that he should be sent, as at present, to New South Wales; as to poachers and machine-breakers, I think a very few weeks would be punishment enough for them.

1822. How would you act with regard to the wives and families of those transported?—A person transported to Canada would in a very short period be able to send for his wife and family.

1823. Suppose that an agricultural labourer, in very distressed circumstances in this country, learns from his former companions that the commission of certain crimes of not a very heinous nature are atoned by six months' mitigated solitary confinement, with good food and clothing, in the Penitentiary, and then work for three months in Canada, and that then he is insured much better prospects in life than he can entertain in this country, do not you think that such a prospect would rather induce to the commission of crime than deter from it?—I think that the previous solitary confinement would be sufficient to deter from crime.

1824. You have stated that, with respect to offenders of a less grave nature, you would send convicts to work in Canada, after having undergone a certain degree of punishment in this country; might they not be equally a benefit to the country if employed in Government works here, after having undergone that probation?—I think not; for when the period of their labour has expired in this country, they will be without the means of procuring employment; in Canada their labour would be in request.

1825. Do you consider that the establishment of Juvenile Penitentiaries would be beneficial?—It has been strongly recommended in the Reports of two or three Parliamentary Committees; and I think it very desirable that mere children should

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undergo a totally different treatment from adults; it is quite absurd that children, as I have often seen them, of eight or nine years old, should be submitted to all the same proceedings as a veteran in crime; their treatment should be wholly different; the discipline of a school is wanted much more than that of a gaol for those little boys.

1826. You are of opinion that the establishment of a Juvenile Penitentiary would be useful?—I think it would be useful, but the expense would be a great difficulty.

1827. Would not the utility of such an institution be very much increased, if the boys were ultimately sent to the Colonies?—Yes, if we could take those poor boys and give them, not the discipline of a gaol, but the discipline of a school for a twelvemonth, and then send them to Canada, we should confer a benefit both on society and on themselves. Criminal boys are, in two cases out of three, orphans, or the children of mothers whose employments require their absence from their families. These destitute children, in process of time, become old thieves. If in the first steps they could be arrested in the career of vice, and be imprisoned more under the discipline of a school than a gaol, and afterwards removed to the Colonies, society would be relieved from a great proportion of criminals.

1828. Have you had much experience with boy criminals?—I have seen a great deal of them in gaol, but still more in the Refuge for the Destitute, where I constantly attend.

1829. Do you think they are incorrigible with right management?—By no means.

1830. Do you know many boys who have been often convicted of crimes, but who, under good discipline, have turned out well?—I have known many; I could refer the Committee to individuals who have been in the habit of committing crimes eight, ten or twelve years, who are now living most respectably in this country.

1831. How was that reformation effected?—By orderly habits, religious instruction, instruction in some trade, and the means being afforded of procuring honest employment.

1832. Where was this effected?—In the Refuge for the Destitute.

1833. With what number of cases of that kind can you supply the Committee, males and females?—To the objects in the Female Refuge I have paid no attention; in the Male Refuge, many hundreds.

1834. What proportion of the number of boys that have been under the tuition of the Refuge for the Destitute have turned out well?—I should say, of those that remain beyond three months, nearly two out of three. The committee, in consequence of the liberal support afforded them by Government, take all cases recommended by the Judges. In addition to these, the committee admit criminals who have been perhaps convicted three or four times, and desire, for themselves, or their friends for them, to become respectable. This will be the case with most criminals, were opportunities afforded them.

1835. How many years have you been connected with the Refuge for the Destitute?—I should think about fifteen.

1836. Is it the habit of the gentlemen connected with the Refuge for the Destitute to pay personal attention?—It is.

1837. How often do you attend there?—Once a week; three hours each time.

1838. Is not there an establishment called the Temporary Refuge for the Destitute?—Yes.

1839. How is that maintained?—From their contracted funds the committee are obliged to reject by far the greatest number of those who apply for admission; not more than one in three is taken in. The Temporary Refuge is a branch of the other, in which objects are received, whose friends pay for their maintenance till a vacancy occurs in the permanent establishment, provided they appear, upon inquiry, fit objects to be received. A father will frequently pay for his son; a master or mistress for a young servant whom they desire to rescue; frequently members of the committee and other individuals compassionate the cases of applicants, and pay for them.

1840. You say several hundreds of boys have been reformed, who have been brought under the discipline of the Refuge for the Destitute; do you suppose those children thus reformed would necessarily or almost inevitably have been again engaged in a course of crime, but for that institution?—The fact is obvious, they have no alternative. Sitting at that committee I have seen many objects rejeetcd, who have applied again two or three months afterwards, fresh from a gaol, renewing

renewing their attempts to procure admission. I have known them rejected two or three times; returning two or three times to crime, and again renewing their application, and having at last been received and reformed.

1841. How do you provide for their employment after they leave the Refuge?—We instruct them in a trade, and find no difficulty in placing them out apprentices, paying with them 5*l.* premium; I mention the premium, because I think it is very much to the credit of the establishment that tradesmen, well knowing what these boys have been, are willing to take them at a less premium than they do parish apprentices.

1842. Does the establishment partake of any thing penal in its discipline during the time they are under your care?—With a hundred boys it is impossible to do altogether without punishment; the nature of the punishment is deprivation of a meal for the slighter offences; for heavier, two or three days in solitude; corporal punishment is rarely, if ever, inflicted; the men, after they are sufficiently instructed in a trade to procure a maintenance, receive an outfit and a little assistance.

1843. What is the age at which you receive youths?—They must be above twelve; we have many young men.

1844. Government have given you considerable assistance towards the maintenance of the Refuge, have they not?—Three thousand pounds a year.

1845. Do you consider the number of criminals who have been reformed, and who in all probability would not have been but for this institution, has compensated Government for this expense?—That is a calculation I have never made.

1846. Has not society been benefited to that extent?—I have no doubt that the public have benefited. The cost of an individual at the Refuge is much less to Government than of one confined in the Penitentiary. The expense to Government, of objects maintained in the Refuge, is about 16*l.* a year; the expense in the Penitentiary is little less than from 35*l.* to 40*l.* The expense of convicts in New South Wales is 13*l.* a year, besides the expense of their transportation. I should say, therefore, without hesitation, that there has been a saving to Government.

1847. You are not to be understood, that the discipline those boys undergo is inflicted as a punishment?—By no means; but I do not see why a Boys' Penitentiary should not be conducted on very much the same principles, and with the same good effects.

1848. Do you think that a Juvenile Penitentiary might be established on principles somewhat similar to those of the Refuge for the Destitute, and with a probably equally beneficial effect?—I consider that it might, and with more beneficial effects, for in the Refuge for the Destitute we have no power of detaining the inmates except by our walls and gates. In a penitentiary there would be that power, which I consider would be beneficial.

1849. You have stated, that not more than one out of three of those who apply are taken in for want of funds; would you not deem it wise and expedient on the part of Government to increase the annual grant?—Decidedly.

1850. Do you consider that the appointment of inspectors of prisons would be desirable in this country?—Not with the powers with which inspectors are invested in Ireland. I consider that the appointment of inspectors would be extremely valuable, if they were limited to making their Reports to the magistrates and to the Secretary of State; but they must not by any means interfere with the jurisdiction of the magistrates. The attainment of uniformity of discipline in the different gaols is a very great object, and without inspectors I do not see how it can be accomplished; at present, an offence committed in one part of the country receives a very different degree of punishment from what it does if committed in another.

1851. What is your view of the nature of the duties of such an inspector?—To examine the state of all the gaols, to report upon the neglect or violation of the Gaol Acts, to report upon the variations of discipline and treatment of the prisoners to the magistrates, and to the Home Office, with the view of the whole being brought to an uniform system.

1852. The present annual Gaol Returns you think are not sufficient to arrive at that end?—I am quite satisfied they are not. Those Gaol Returns are passed very much unnoticed in the October Sessions; and I know that the introduction of the phrase, "so far as the prison will admit," covers all manner of omissions and variations, and sometimes abuses.

1853. Would you give the inspector a subordinate or current authority with the magistrates?—

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magistrates?—I would give him no authority whatever, but to visit all places of confinement, and to make the Report to the magistrates and the Home Office.

1854. You refer to salaried officers?—Yes.

1855. You would propose their Report should be sent contemporaneously to the magistrates and the Home Office?—Certainly.

1856. You would give them the power of access, but not of control?—Yes.

1857. Do you conceive their appointment is productive of benefit in Ireland?—I entertain that opinion decidedly; without such an appointment the Gaol Acts will never be properly attended to, or uniformly observed.

1858. Are you acquainted with any gaols in which ladies' committees attend?—I have always understood that the attendance of ladies was very beneficial; but I am not acquainted with the facts from personal observation, except in Newgate.

1859. Are lunatics frequently confined in gaols?—Frequently.

1860. What is the effect of that?—Every thing which is bad: those poor people become the butt and amusement of the place, by which their disease is aggravated. They have been confined in some prisons for a great length of time. I do not think it is generally known that in one prison to which I can refer, viz. Exeter, there is one lunatic who has been twenty-two years in confinement, another sixteen years, and two for twelve years. In Wiltshire there has been a lunatic imprisoned above ten years; in Pembroke, twenty-two years, and one at Anglesea for thirteen years.

1861. Do you consider it possible that a good system of prison discipline can be carried into effect where there are those lunatics?—A lunatic requires totally different treatment from a criminal, and it is cruel to subject them to the same discipline; an asylum for criminal lunatics was strongly recommended in the Report of the Metropolitan Commissioners last year, and I consider it highly desirable; a lunatic is a most improper inmate of a gaol; many are committed to prison for very trifling assaults.

1862. What description of gaols do you consider in the most defective state in this country?—Those belonging to local jurisdictions; there has been a very great improvement in the county gaols throughout England; some of the local jurisdictions have united with the counties; some few have erected proper places for confinement, but the gaols of local jurisdictions are generally in a very deplorable state.

1863. How would you remedy the defects of gaols in local jurisdictions?—There is an Act at present rendering it optional with the magistrates to treat with the county for the safe custody of their prisoners; where the number of prisoners confined in the local jurisdictions is very small, I would make that Act compulsory; where the average of prisoners at one time has exceeded forty, I would have the prisons made conformable to the requirements of the 5th of George IV.

1864. Do you think that a system of punishment in the county gaols, and then a term of imprisonment in penitentiaries, and after that a certain period of inspection by the police, in any way would be productive of good?—I do not think it practicable in this country.

Veneris, 23° die Martii, 1832.

Mrs. *Fry*, called in; and Examined.

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1865. YOU have paid a great deal of attention to the moral condition of prisoners under punishment?—I have for about sixteen years been in the constant habit of visiting prisoners; not only myself, but a considerable number of ladies have been united in it; we call ourselves The British Society for the Reformation of Female Prisoners; we are in the habit of visiting the different prisons of England, Scotland and Ireland; and the Society appears to answer so well in its plans for the poor women, that we now attend to all the convict ships that go out from this kingdom; we have attended to forty convict ships since the year 1818. I am glad to say that lately our arrangements have been adopted in New South Wales with much advantage, and in different parts of the continent of Europe; therefore, although we have not the satisfaction of visiting all the prisons ourselves, we correspond with those ladies who do, and

and become consequently well acquainted with the subject, and learn what is most likely to lead to the reformation of prisoners.

1866. The object of this Committee is to ascertain the best mode of Secondary Punishments, so as to be useful as punishment to repress crime; will you have the goodness to state to the Committee what is the mode of proceeding on the part of the Society, so far as may conduce to that object and the effect of it?—I will endeavour to do it; I will confine my attention entirely to those points of prison discipline which regard women. The first thing I think absolutely essential if a woman is to be reformed, is, that she shall be kept from the other sex, not only from prisoners, but from the male officers of the gaol; the simply having matrons is quite inadequate, unless the other officers are also women. Previous to the year 1824, before the Act of Parliament for the Revision of Gaols was enforced, there was not, I believe, excepting the appointment we had made in Newgate, a single matron in any prison in this kingdom; but finding how well it answered in Newgate, it was enacted, that in all our county gaols a matron should be appointed to take care of the women. I visited the gaols previous to this, and nothing could exceed the melancholy situation of the women; their morals exposed; and they hardly ever entered a prison but they came out far worse. I have visited many prisons since that period, nearly all the county gaols in Ireland, and a good many in England, and I see these appointments of matrons are in some instances well made, in many very indifferently. A nominal matron is nearly useless who lives out of the prison, and is there only certain hours in the day, leaving the women in her absence very frequently either to the male officers, or a variety of other temptations; then all the women are left during the night to themselves, a time when it is most important to have them watched. Every matron should live upon the spot, and be able to inspect them closely by night and by day; and when there are sufficient female prisoners to require it, female officers should be appointed, and a male turnkey never permitted to go into the women's apartments. I am convinced when a prison is properly managed it is unnecessary, because by firm and gentle management, the most refractory may be controlled by their own sex. But here I must put in a word respecting ladies visiting. I find a remarkable difference depending upon whether female officers are superintended by ladies or not. I can tell almost as soon as I go into the prison whether they are or not, from the general appearance both of the women and their officers. One reason is, that many of the latter are not very superior women, not very high either in principle or habit, and are liable to be contaminated; they soon get familiar with the prisoners, and cease to excite the respect due to their office; whereas where ladies go in once, twice or three times in a week, the effect produced is decided. Their attendance keeps the female officers in their places, makes them attend to their duty, and has a constant influence on the minds of the prisoners themselves; in short, I may say, after sixteen years' experience, that the result of ladies of principle and respectability superintending the female officers in prisons, and the prisoners themselves, has far exceeded my most sanguine expectations. In no instance have I more clearly seen the beneficial effects of ladies visiting and superintending prisoners, than on board the convict ships; I have witnessed the alterations since ladies have visited them constantly in the River. I heard formerly of the most dreadful iniquity, confusion, and frequently great distress; latterly I have seen a very wonderful improvement in their conduct. And on the voyage I have most valuable certificates to show the difference of their condition on their arrival in the Colony. I can produce, if necessary, extracts from letters. Samuel Marsden, who has been a chaplain there a good many years, says it is quite a different thing; that they used to come in the most filthy abominable state, hardly fit for any thing; now they arrive in good order, in a totally different situation; and I have heard the same thing from others. General Darling's wife, a very valuable lady, has adopted the same system there; she has visited the prison at Paramatta, and the same thing influencing the officers, is felt there as it is here. On the continent of Europe, in various parts, Petersburgh, Geneva, Turin, Berne and Basle, and some other places, there are Corresponding Societies, and the result is the same in every part. In Berlin they are doing wonders; I hear a most satisfactory account; and in Petersburgh, where, from the barbarous state of the people, it was said it could not be done, the conduct of the prisoners has been perfectly astonishing; there are letters from Princess Metcherskey and Madame Potemkin, and other ladies, who have visited the prisons there, and an entire change has been produced. At the time of the flood in Petersburgh, where the prisoners might have all run away, their conduct was astonishing; they showed

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so much principle, and so much love for those who had looked after them; and I believe not one of them escaped.

1867. How long has the Society been established there?—I think about twelve years.

1868. You have stated that it is very material that the women should be separate from the men; do you not think it tends still more to promote their moral conduct if they are kept as much from each other as possible?—That comes under the head of classification.

1869. In what mode would you classify them; would you classify them, as in many instances at present, according to legal technicalities?—Classification should be by conduct and former character, rather than by the nature of the offence. I am clear that in some prisons they are wrong in their classification. I have seen, in visiting prisons, a person who has been found guilty of a very trifling offence, yet who is at the same time one of the worst of characters, and this individual is put with some that are perhaps really or nearly innocent.

1870. With respect to men, there is evidence, more especially from the officers of the Penitentiary, that some who had been in that Penitentiary, and who had made apparently great progress towards reformation, when they were removed into what is called the Second Class, and were allowed to associate together, had almost invariably relapsed; is not the same thing likely to occur with women; even if the seeds of good conduct are sown, are they not likely to be contaminated?—I am perfectly aware of that, but if a prison is managed as it ought to be, there cannot be contamination. I would have them inspected as they are in Lancaster Gaol, which is the only good female prison which I have seen regulated as it ought to be; they may be heard in their day wards and their night wards.

1871. Do you mean that all the conversation between them is overheard by the matron?—All; she lives in the centre room, and if she leaves it, the sub-matron must be there. There is a very small passage round this room, into which all their windows open; all the day rooms are constantly superintended, and she hears them in the night rooms.

1872. If they speak in a whisper, can the matron overhear them?—I cannot confidently assert that, but they sleep separately.

1873. Do you not think it would be an improvement on that system, if they were kept as much as possible in light cells, and allowed only at certain times to be together, without being allowed to communicate, and in the night were kept in solitary cells?—I have no doubt that would conduce exceedingly to their *present* good conduct, and it might be beneficial in future; but it is a great object to make imprisonment such as to prepare them for life; they will meet with great contaminating influence when they leave the prison. I like the plan in degree, where it can be *well* adopted.

1874. Where they are left to their own reflections, do you not think they are more likely to mend than if associating with others?—Certainly.

1875. Do you not think a prison should be rendered as much a place of punishment as possible?—Yes.

1876. Is it part of the plan in the Lancaster Gaol to prohibit conversation altogether?—Not entirely. There can be no doubt that if such a plan could be adopted, it would be desirable.

1877. Do you not think that, although it may at first sight appear something like hardship, it would, in the end, be mercy to the prisoners to keep them as much as possible (without unnecessary hardship) alone before trial?—That is one of the points I wish to dwell upon—the great injury sustained by prisoners before trial. I do not think it can be told how the morals of London suffer in consequence of the state of our prisons. In the first instance, the circumstance that they are not better classed, is a very great evil. The second is a very serious thing—the length of time that many of them are still kept before they are tried; I believe their morals are injured, if not ruined. This applies to many who go in nearly innocent.

1878. Is not that more likely to be the case where a woman is acquitted and discharged, and not kept for reformation?—I am of that opinion. The reason our gaols fill is, that our untried prisoners are not taken more care of. Another thing I feel to be objectionable, is the prisoners being removed, as they are, from prison to prison; in no county so much as in Devonshire, unless they have made an alteration since I was there. A number of prisoners are removed, in a way subjecting them to much

much exposure, from Plymouth and from Dock, to be tried at Exeter, in a very exposed way; a very expensive thing to the county. They are brought, I believe, now by vans. Even in the London prisons a proportion of our prisoners are taken to Clerkenwell prison; then from the Clerkenwell prison are brought to Newgate. But I think the state of Clerkenwell prison for untried prisoners must be touched upon; I think that it is in a very deplorable situation, entirely inadequate to the number put into it; and when we consider that a proportion of these will be discharged, and come upon the public again, it is a serious consideration that they should not be contaminated; I believe a large proportion of them are. Clerkenwell prison had, in 1830, 6,730 persons committed to it; 300 of these were debtors, 910 discharged for want of prosecution; a great number under examination. I will not say all these were innocent, but a large proportion; 910 were liberated without going to any other prison, or to trial. I have no doubt that the continued exertions of the magistrates of Middlesex will remedy some of the evils which exist in so great a degree in this prison.

1879. Both males and females are committed to that prison?—Yes.

1880. The numbers you have stated consist of both sexes?—Yes, there is a matron there; but as far as I know the state of the prison, I believe it to be very bad; then in Newgate there is a great number of untried prisoners; it is but little we can do for them.

1881. Have you any classification before trial?—Very little; there are two large wards and two little rooms, in which the more respectable women are placed; they have only one small yard and one staircase, and are constantly associating together; and I have no doubt that amongst the untried prisoners there is that which is wrong going on, and encouraged amongst them; and I think it is a thing which immediately needs remedy.

1882. Is there any other classification you would suggest for untried prisoners, except entire separation?—I do not see any other mode; it is right to protect them as much as possible. I think there is a certain classification not difficult to adopt. Most of the persons taken up are of notorious characters; there are also servants and others, who are committed for the first offence, in a very different position from these; and they ought to be separated. There will be prisoners continually returning while the state of the untried is as it is in this country, and particularly in London. There are sometimes 40 sleeping in one ward in Newgate, during the week before the long sessions especially; sometimes from 40 to 50 in each ward, locked up together at night without any superintendent.

1883. You would make no objection to an entire separation before trial?—I think solitary confinement would hardly be fair.

1884. Locking them up at night in separate cells, keeping them a certain portion of the day in separate cells, and allowing them for a certain number of hours to associate together, under close superintendence, you would consider advisable?—Yes, highly advisable; I think, if properly inspected, they might be allowed to be together a certain portion of the day. I believe that this Committee cannot attend to a more important subject than the situation of the untried prisoners; I am very glad that their attention is turned to that subject.

1885. With respect to the separation of prisoners before trial, would you not think that if a prisoner was committed who was innocent, that she would rather desire to be kept separate from those from whom she might receive contamination?—Certainly.

1886. You have stated that very beneficial results have ensued from the visitation of prisons by ladies; it is hardly necessary to say that that cannot be established by law?—Not altogether.

1887. Do you not think that the proper superintendence by the visiting magistrates, supposing there were no voluntary societies on the part of ladies, would have a great effect?—I think that is desirable, but that there is nothing like women being superintended by their own sex; but the next to that is the plan adopted in Ireland, that of the local and general inspectors; they have in Ireland had a most beneficial effect, because daily inspection has been the result. Though I think very highly of our magistrates, and that in some prisons they are exceedingly diligent, the larger proportion of them perhaps are not so, and have it not in their power to be so, and very often neglect the prisoners. In fact, their superintendence is not of that description which is really required.

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1888. If a system of superintendence can be established, that unremitting vigilance on their part will not be necessary?—No, not so much so.

1889. You have stated that the women who go out in the convict ships are found to be much improved in their morals; do you not think that they frequently relapse during the voyage?—I have no doubt there are many temptations in the voyage, and there may be occasional relapses; at the same time there has been a remarkable improvement. I have received a letter from a surgeon, who has been out two voyages with convict ships; it is as follows:—"Having lately returned from New South "Wales, after the termination of my duties as surgeon superintendent of The Earl "of Liverpool female convict ship, I know it will be pleasing to you to learn that "during the voyage to the Colony the behaviour of the women was quiet and "orderly, and, with a very few exceptions, I may say exemplary. Having now "performed two voyages in charge of female convict ships, I cannot but express "a very favourable opinion of the good effects arising from the endeavours of the "members of the Ladies' Association, to afford instruction to the prisoners, as well "as employment, during the voyage. The patchwork supplied them, with books, &c. "kept them pretty much occupied; and the school established on board was regularly attended by all the children, and many of the prisoners. The system of "moral discipline followed on board was that of strictness, tempered with kindness, "and every opportunity taken to impress upon them the value of an approving "conscience, and to raise them in their own estimation, by showing them that they "were cared for. The difference in the habits and manners of the prisoners from "Newgate, and those from places in the country where no system of prison discipline was followed, was a subject of common remark by the officers of the ship and "myself, and cannot but be gratifying to the members of the Ladies' Association, "as well as hold out the strongest inducements to continue their useful labours for "the reformation of female prisoners." I have also a letter from the wife of General Darling. I have no doubt that they are exposed to many temptations there, and that they relapse in some instances, but at the same time they are greatly improved; they are allowed to go into service; if they get into evil practices, they have to return to the Factory; numbers in the Factory are much improved, and applications for female servants are very numerous. A letter from the Rev. Dr. Lang, chaplain to the Scotch Church in Sydney, gives us a very pleasing account: "In many of "these vessels female convicts have been taught to read during the voyage; others "have either acquired or evinced habits of industry, which could not fail to be "highly beneficial, both to themselves and to the Colony, in their after life. The "beneficial effects of the moral and religious discipline which the Ladies' Committee have been thus the means of introducing on board female convict ships, "may not indeed be perceptible in a great number of instances in the Colony; but "much evil is prevented in the mean time, and the bread which is thus cast upon the "waters will assuredly be found after many days. The author of a work entitled, "'Two Years in New South Wales,' has indeed hinted that the regulations established by His Majesty's Government for the prevention of flagitious conduct on "board female convict ships, during the voyage to that Colony, are quite impracticable, and has intimated, in a very intelligible manner, that he at least did not attempt "to enforce them." The Rev. Dr. Lang further adds, "I have the honour to be "acquainted with other surgeon-superintendants of female convict ships, who have "found the regulations in question by no means impracticable; who have enforced "them with equal credit to themselves and benefit to the convicts." There are very satisfactory reports of many who are married, and living very respectable lives in the Colony. This gentleman tells me, that those who have been under the care of ladies turned out particularly well. There are many very encouraging circumstances; one thing I felt particularly; in a letter from General Darling's wife, dated in 1830, she says, "I think our Gentlemen's Committee of Management, as well as our Secre-"tary, in her letter of January 1829, speak too modestly of the success which has "followed their exertions. The difficulties and discouragements are many, and "much remains to be corrected; but this was to be expected while the success was "doubtful; and yet that has exceeded all we ever hoped. Many ladies have assured "me that their servants (formerly convicts, taken out of the Penitentiary or Factory) "behave remarkably well; 65 have been rewarded; and from the beginning of "July, 168 have been married, 68 have received tickets of leave for good conduct; "and on Friday last, the day on which the Committee of Management met, there "was not a woman to be assigned, though upwards of 500 have arrived within the "last twelve months, and there were fewer in the Factory than ever." It appears to arise,

arise, as far as we can judge, from what the ladies have done, being seconded by Government, and what Government has done in some excellent arrangements; in the convict ships there are rewards for those officers on board who behave well towards the women. There is also a letter from the Rev. Mr. Marsden, the chaplain of the Colony, who says, "It will give you pleasure to hear the state of our "Penitentiary at Paramatta; the whole system is, I think, as good as we can make "it at present. I have witnessed the state of the female prisoners in this Colony "for almost 37 years, but I never saw them under such order and discipline as they "are at this time; it has taken many years to accomplish the object. Much praise "is due to the Governor and Mrs. Darling for the support and countenance they "have afforded to this establishment; I shall always feel grateful to them for the "relief they have afforded me in the discharge of my duty to the female convicts. "For 24 years after my arrival here, the women were exposed to every vice; no "protection was given to them; they lived in the greatest misery and woe, and "died under the heaviest load of guilt, both of body and mind. In 1821 some were "admitted into the Penitentiary. Since that time we have been improving their "accommodations, classing them, finding them employment and regularly giving "them religious instruction."

1890. Do you think it will be the best plan to subject the women to what may be considered their punishment, before they leave this country; for instance, a more or less lengthened punishment in prison, so that they may consider their punishment as past when embarked, and that they are going out to be disposed of to their own advantage?—I doubt that; I think if they were properly cared for from the time they were taken to prison, and were protected afterwards, and had some little employment till the ships go, it would be better, for they are all under discipline in the ships; it is no longer a voyage of pleasure.

1891. The idea proposed is, that they should be subject to punishment in the Penitentiary, and then be subject to that discipline on board ships, but that when they arrive in the Colony, if they have behaved themselves well, they should be at once allotted to families who require female servants?—That might answer.

1892. Are you not of opinion that there is more chance of their feeling the system of prison discipline in the Penitentiary than in New South Wales?—Yes, I think there is a better chance of it. To have them all imprisoned in the Penitentiary before they go, appears to be impracticable, there are so many.

1893. Can you state the number who are sent out annually?—There are generally four or five female convict ships sent out each year; they average 150 women, bringing it to 750 per annum.

1894. Do you not think that by a system of punishment in the Penitentiary, they might be sufficiently punished before they are sent out, and then be sent out for the purpose of being disposed of in the Colony?—Much depends upon the manner in which the Penitentiaries are conducted. I am sorry to say my experience of Penitentiaries has led me to doubt it, because I do not think that the women turn out well after they leave them.

1895. Do you think there is any defect in the system?—I think there is some reason to fear whether the separation and strict discipline prepare for a return to social life.

1896. May they not deter from crime?—Yes, they may, if they are known; but these things are not known among that class of persons. From the end of 1827 to the end of 1831, there were twenty ships sent out, containing 2,787 women; from the year 1818 to the year 1828, only twenty ships sailed, containing 1,981 women; those are the numbers which have been transported from England and Scotland, and Ireland; there used to be only one convict ship sent in the year, now there are four or five each year.

1897. If those women have not undergone their complete punishment in this country, in what manner would you dispose of them on their arrival in New South Wales?—They are immediately disposed of as servants, but under certain restrictions.

1898. Do you think that, upon the whole, balancing the account together, you should be averse to their going to the Penitentiary?—It is a subject rather new to me. In Ireland, on being tried and convicted, for transportation, they are all sent to the depôt at Cork; they immediately enforce prison discipline; but my brother Joseph J. Gurney, and myself, thought it had an injurious tendency.

1899. Are they allowed to associate together?—They are; it is a bad prison.

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1900. Does not that arise from their being allowed to mix together?—I think it does in a great measure.

1901. Perhaps you are not aware, that the system of allowing female prisoners to associate together in what is called the Second Class of the Penitentiary, has been found so subversive of all good, that that system is on the eve of being abolished, and the Second Class done away with altogether; so that the prisoners are to be kept apart during the whole time they are there?—I am not sorry to hear that.

1902. If the same system was to be adopted with women, might it not have a beneficial effect upon them?—I think perhaps it might: I am the more reluctant to adopt this plan, from what I have heard of the want of women in New South Wales.

1903. Some who are now in the Penitentiary have been there nearly two years; if the time was shortened, and the system changed, they might be sent out earlier probably?—I should be rather afraid that after the strict system of the Penitentiary, the change of coming under the less restrained discipline of the convict ship, might rather induce some of these bad spirits to give the greater license to their evil passions. I should question whether they would behave so well as taken now from under the ladies' care, where they are kept under strict regulations.

1904. There could be no objection to allowing the ladies' committee to visit them in the Penitentiary?—That would be very important by way of preparation, for they should be kept under the same system which is afterwards pursued.

1905. Do you not think, that if the system of the Penitentiary was generally adopted, and the convicts sent to it from all parts of the country, the evil from the removal would more than counterbalance any benefit to be derived?—I should quite agree in that, but at all events they must be removed to go to the ships.

1906. You feel that the prevention of crime is the object of punishment?—Certainly.

1907. Does not the whole of your view tend rather to the encouragement of crime in the present state of society, than to its prevention; or at all events, does it sufficiently effect the great work of prevention?—We have two objects in view; the reformation of the criminal, and the prevention of crime. I have spoken principally at present of the reformation of the criminal, but I think that the same system will tend to the prevention of crime. I am quite convinced that, with the description of persons whom I have seen in prisons (numbers of whom have been placed under very good and wholesome discipline) regular employment and proper instruction greatly conduce to the discouragement of crime out of prison as well as in it.

1908. Does it operate as a punishment?—I think it does to them, because disorderly habits are what they prefer, and those prisons are generally preferred by them in which they are most miserably accommodated, but where there is gaming, drinking and swearing going on; but where they are supplied with what we may call comfortable, decent bedding and fair food, plenty of employment and instruction, those prisons have the fewest returns; therefore I am decidedly of opinion that this mode of discipline tends not only to the reformation of prisoners, but to the prevention of crime. I think that separation is most important, for the contamination before they are tried is one of the principal sources of the increase of crime.

1909. Does not your view of the beneficial operation of the system you have kindly adopted as to the prevention of crime, principally apply to the repetition of crimes by the same offenders, rather than to the general prevention of crime throughout the community?—I will just mention an instance which occurred to myself; a very wicked girl in Newgate, one of our worst, had been treated with kindness, according to our usual and prevailing principle of uniting kindness with strictness; on those principles she had been taught to read, and had been employed, and had received a little remuneration for her work; she came back to Newgate as an untried prisoner; she was so terrified, she said, she had rather be brought before the Judge than the ladies; it appeared too that she was more afraid of returning to a prison where there was this wholesome restraint, than to one without it; and would no doubt influence her evil associates when out of prison. Immediately after our plans were adopted in Newgate, there was a reduction of the number of returns.

1910. Will you have the goodness to state the further particulars of your plan?—I will beg to call the attention of the Committee to a very important point, that is, employment; I think many of these are women of idle habits, who go from one crime to another, and amongst other things, generally extremely dislike labour of every

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every kind. I think it is highly important to make them employ themselves, even if they put a thing together one day, and pull it to pieces the next; it is better than doing nothing; employment being a punishment in itself to many of them. I feel that the nature of employment for women is a difficult subject: that is a matter on which I still remain in degree at a loss. I do not like the tread-mill; I do not think it is good in its effects, but I should like to have some hard work. For those sentenced to hard labour there is a crank-mill, which has answered very well; there are other unpleasant sorts of employment to which I should put the most reprobate. I should wish to teach them any useful occupation, for working greatly tends to improve their moral condition.

1911. Is not employment to many women rather a relaxation than a punishment?—Possibly employment may in some cases be a relaxation, but in general, I believe, that criminals can hardly be punished by any thing so much as by keeping them employed.

1912. Do you think working at the crank-wheel would be injurious to them?—I never heard of the crank-wheel being injurious; I have heard of the tread-wheel being injurious in its effects. I consider education as a very important part of employment, and can only do good. I particularly saw in the prisons in Ireland that the prisoners being obliged to sit two or three hours over their books as a punishment, had a very good effect.

1913. Do you think that cutting the hair short would be a punishment?—Undoubtedly it would. One thing is very clear, that I see after many years' consideration; there is still great difficulty in knowing how to inflict punishment on women; there is nothing like the constant inspection I have mentioned, both as to the reformation of prisoners, and the deterring them from crime, for which inspection is so extremely wanted in almost all our gaols.

1914. Do you think the giving to magistrates the power of committing for a short period of punishment, not exceeding a fortnight or three weeks, without the intervention of a jury, and without committing for trial, would of itself tend very materially to the prevention of crime?—I cannot help thinking that it would; but it appears to me a question that a great deal is attached to; I think it would prevent much of the injury which results from the state of our untried prisoners, for they would immediately have some passing punishment, and the thing would be ended; but there is a good deal of consideration how far, in this country, they should be sentenced without that trial which the law provides.

1915. At present every committal is a punishment?—Certainly it is; there was a very excellent pamphlet, written by an officer of the Richmond Penitentiary, stating it as his distinct opinion, that nothing would tend so much to the prevention of crime as the giving the magistrates a power to inflict small punishments, and dismiss the parties, rather than imprison them for trial. We have often seen occasion for such an arrangement.

1916. You refer to female prisoners?—Yes, we have thought it necessary in the Ladies' Society, in consequence of having wicked girls and children brought to us, to establish some refuge as a place of punishment and protection. I went to Sir Robert Peel, who was extremely kind, about it: he thought that the Government could not do it; but said that he would assist and encourage us in forming an establishment for vicious children. Miss Neave was desirous also of having one on account of young women, and we have united with her in its establishment. My friend Caroline Neave, who accompanies me, will be able to give an interesting account of the House of Discipline at Chelsea for wicked little girls, and of the Westminster Asylum for the reception of young women.

Miss *Caroline Neave* made the following Statement:

Miss *Caroline Neave.*

FROM the year 1825, 103 girls, from the ages of seven to thirteen, were received into the house; they were, with two exceptions, thieves, and some practised experienced thieves at that age; four had been in Newgate and other prisons; some were shoplifters; others expert in taking up goods in different persons' names; one, but eight years of age, had been in almost every watch-house in London; another, of eleven, was the tool of a gang of housebreakers; after having frequently robbed her parents, she admitted a man with a false key, who stole all the money her parents had laid up for rent. Out of this number of 103, only two have been known to have been recommitted, and four to have returned to evil courses; no corporal punishment is allowed; in the school, solitary confinement to the refractory for a certain number of hours.

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1917. Is that a dark cell?—Nearly, but not quite; the real remedy has been found in constant attention to prevent communication; they are under constant inspection; they are never allowed to whisper; they are employed from morning to night: more desperate characters never came into a prison.

1918. Would it be possible to enforce such a strict superintendence in the country gaols?—I think it would.

1919. For what length of time are they confined?—They have been in the School of Reform two years; many of them are in place now, giving great satisfaction.

(Mrs. *Fry.*)—One of those girls was so wicked she tried to poison the lodgers in her father's house, and was guilty of the greatest cruelties; she tried, when first she came, to be mistress, but failed in that in a day or two, and then submitted, and now bears an excellent character.

1920. (To Miss *Neave.*)—What is the employment of the females in the Asylum?—Household work and needle-work.

1921. (To Mrs. *Fry.*)—Could you find persons who could be relied on to have the superintendence of such institutions as county penitentiaries?—There would be a difficulty, no doubt; I am well acquainted with the larger proportion of our prisons, and there are very few which would admit of their being so divided; it would produce a closeness which would be inconsistent with the health of the prisoners.

1922. (To Miss *Neave.*)—Is the institution to which you refer in a house built for the purpose?—No, in a private house.

1923. At what ages are the children introduced?—From seven years and upwards; they come in totally ignorant of every thing; they are taught and are made able to use their needle. In the Westminster Asylum, as the funds rose, we got up to twenty; it was a great while before that could be done; 185 have passed through since, and many continued two years. Women from fifteen town or country gaols have been sheltered there immediately on their discharge from prison, not waiting for the decision of the committee, that they might be instantly received. From Cold-bath Fields Prison, 13 young women, who had been committed for stealing the most trifling articles; some of them wearing apparel; one garment was really found to be worth only 2*s.*; she had been sent to Cold-bath Fields for stealing that.

1924. Was she a respectable girl before?—Yes, and she has turned out very well since. Twenty-six guilty of some trifling offences, such as pawning a garment, or taking two or three shillings; they were discharged without character on the wide world. Of those received into this Asylum, forming thirty-nine altogether from that prison, there are eighteen now in most respectable places, and going on very well.

1925. What is the system adopted there?—The same diligent inspection; there are three matrons over twenty women, and they are taught knitting, needle-work and washing.

1926. What is the annual expense of this establishment?—The total expenditure for twenty-three persons is 524*l.* in the year; that includes rent and every thing; the rent of the house is sixty guineas. A great many young women have been excused from imprisonment by their prosecutors, on condition of their being received into the Asylum. Before I leave the subject of the Refuge, I would remark, that 117*l.* was earned by washing, and 55*l.* by work, to be deducted from the expense.

1927. What means have you of preventing their escaping?—They may escape as they walk to church, but it is considered a great privilege to be there.

1928. There is no apprehension on the part of any body going there?—No, it is their great boon; they are cast out friendless and destitute.

1929. Do you think it would be possible to apply any such system to any institution of a penal nature?—(Mrs. *Fry.*) I think something of a similar plan might be adopted, but not with the same system they have in this Institution.

1930. Would it not be too expensive?—It would not be too expensive if it were done on a large scale; the larger the establishment the cheaper it becomes per head; the very same officers will do for a great number more prisoners.

1931. Do you think there would be persons found competent to the management of such institutions?—If I were asked what is to be done in the present state of our prisons, I believe that nothing is more important than having proper and conscientious officers, and competent ones might be found. Much harm results from the not having such persons; many are introduced through interest, without due

attention

attention to their suitability; but if our prisons had proper officers, and were properly superintended, there would be a greater reformation amongst prisoners. None are so likely to select suitable female officers as ladies acquainted with the subject.

1932. Have you not given this history of the House of Refuge rather by way of pointing out how great improvements might be introduced into the prison discipline, than as a recommendation to the magistrate to copy those?—Just so; to show that much might be done by attention, and particularly in the use of discipline.

1933. You have already stated, that you have thought women who had been confined exclusively in solitary confinement were not so competent to mix with the world again; have you had any experience on that subject?—I have been disappointed at so many returning from the Millbank Penitentiary to Newgate.

1934. Are you aware that there is a second class of women, which has tended to do infinite mischief?—I am; as far as I could learn as to the Richmond Penitentiary, in Dublin, where they were kept almost entirely alone, I understand that the effect was that they did not turn out well afterwards. I wish that there were some arrangement that untried prisoners should be better taken care of, and morally and religiously instructed; that would tend to great good. There is another subject I would touch on, and that is the state of our debtors' prisons. The reason I have thought it suitable to mention it here is, that as Secondary Punishments is the present object, particularly the prevention of crime, this matter must come before the Committee, for I do consider the state of our debtors' prisons, more particularly in London, one of our most crying evils, and most fruitful sources of crime. I have been astonished, in passing through the country, at the exposed and melancholy state of debtors in some places. Two or three years ago I visited a debtors' prison in one of our counties, where men and women were indiscriminately together by day, and never locked up at night; neither could the women fasten their own door. They had no allowance except what the pauper debtors received from their parish; and at that time they had no religious instruction. A few ladies have, since that period, visited the prison, supplied the inmates with books, and given them some instruction. It is lamentable to see that so many are imprisoned, and thus exposed for so small an amount as a few shillings. I met with a case, when I was travelling at ————————; I visited a poor man confined for debt, and there was no other person in the prison; I thought it so hard that he should be solitarily confined; I went in to see him; I asked what was the amount of his debt; they said 1*s.* 8*d.*; he was confined because he had been rather a troublesome man, for this 1*s.* 8*d.* for poor rates. The gaoler said, "the probability is that he will be sent to the county "gaol, and then it is doubtful whether he will ever get out." The expenses came to 12*s.* 2*d.*, which he was never likely to pay. In London it appears truly affecting to see the state of most of our debt prisons; no separation is made between men and women, except in Whitecross-street; no regular allowance, but they hire rooms, &c. for themselves; consequently while some are living in luxury, others are in a state of starvation. The whole system requires revision as to the payment of fees, officers, &c.

1935. What is your opinion of Derby gaol?—I think it is the best gaol I have seen, except that I prefer the Lancaster arrangement for the women; Derby is not only the best gaol with regard to the building, but it is so capitally managed.

1936. Have you any further observations to make respecting the convict ships?—I only wish to show in what way the convict ships have been so much improved, because it shows what I stated before, that what we might think agreeable the prisoners think disagreeable; they used to go perfectly free, and there was the most shocking conduct on the voyage; nothing could exceed the extent of freedom of the conduct on board the convict ships; it was as bad as possible; the state in which the women arrived, proved that many of them had greatly suffered on the voyage, both morally and physically. As to the plan which has been adopted, we always have some classification; we number our women and class them, by putting monitors over a certain number, and every monitor is responsible for the conduct of her women. We have also another officer, who superintends the food, cleanliness, &c. of the class. The surgeon-superintendent is the only Government officer on board, and the monitors give him the same account they used to give us; but we are of opinion that, under him, a matron of respectable character, not a prisoner, would have a very beneficial influence. The next thing we provided was employment for all the women during the voyage; they have enough patchwork to employ them about four months in making counterpanes; it has had a great effect. It was necessary to provide haberdashery and materials for needle-work, and thimbles, scissars,

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scissars, school-books, libraries, &c., and other things. Up to 1828, the ladies had spent between 1,000*l.* and 2,000*l.*, and they became almost bankrupt; and then they applied to Government, and informed the Secretary of State of the Home Department that they could not go on unless the Government would assist; and they said the good done had been so great that they would in future allow us so much per head to provide for a considerable proportion of the articles required. The ladies still find their expenses in convict ships, prisons and refuges rather difficult to meet. The women and children on board are taught to read by schoolmistresses appointed for that purpose. The Bible is read to them every morning by the surgeon; I never saw the effect of the Scriptures more strikingly evinced than in prisons and convict ships, particularly on the minds of the women; and often where we least expected it we have witnessed a moral improvement, and, in many instances they have become very changed characters.

1937. Have you found any considerable number of persons prisoners in a gaol under your superintendence who you have thought were perfectly incorrigible?—It is very difficult to say, for we never had a prisoner long enough in Newgate to try. I believe we have had some of the most hardened and desperate characters, and I am inclined to think as to some I might state they were almost incorrigible.

1938. Is it your belief that you might effect their reformation by a proper mode of discipline?—I am quite sure that a proper mode of discipline will, on even the very worst, produce important effects. The moral discipline we observe in Newgate is such that the very worst of women are improved in their manners and habits, as cleanly and orderly habits are acquired, and the women are no longer in the dirty and deplorable state in which they used to be; there is none of that daring, bold manner, but they are respectful, even the very worst of them. To say that they are really changed characters is going a good way.

1939. Have you met with any number on whom you think a real change had been effected?—I think I may say that has been the case, if I may judge from their very altered lives and very happy and penitent deaths; but latterly not so many, because we have them only a few weeks under care, in consequence of convict ships going out so frequently; but there have been delightful cases, particularly in Derby and some other county gaols, where there has been a real and entire alteration of conduct in many women.

1940. Do you conceive that by a right system of prison discipline, accompanied with religious instruction, we may hope for a change in the characters of the prisoners in general?—I am of opinion that the efforts made in the education of the poor, the circulation of the Scriptures, affording asylums for the profligate, with other establishments distinct from the prisons, as well as the regulations made in them, enforced by the Act in 1824, have produced an improvement in morals in our gaols, and have had an influence in raising the moral standard of the worst class of women; and I am of opinion they are not so desperately low as when I was first engaged in visiting Newgate.

1941. How do you reconcile that statement with the alarming increase of crime which has appeared of late?—I am aware that there has been an increase of numbers in the gaols, but I think there is a much more strict police, in London particularly, that the magistrates are more strict, and that since the prisons have been in a better state they have been more willing to send criminals to them, and that since prosecution has been not so expensive there have been more prosecuted; but I should not say, from what I have seen, that our criminals are so bad as they used to be. I had a conversation lately with one of the Whitechapel magistrates, and he said that was his experience.

1942. Have the goodness to state the good effects resulting from the employment of female prisoners at needle-work?—If I were to say what I really think as to the reformation of prisoners by those means, nothing is so useful as needle-work; the more women are employed in work suited to their sex the better they go on, such as needle-work, washing and ironing, for it tends to raise their moral standard; it raises them in their own estimation; and I know also that having some little remuneration is desirable, as it makes industry sweet, and this tends to change their habits.

1943. Would you give it them while in prison?—No, except a small proportion to get them a little tea, &c.; but it is at Newgate almost entirely laid aside till they leave the prison; and the possessing this little fund is an important prevention to their immediate return to crime; and to those who go to New South Wales it is given them to provide clothes for them on their arrival there. May I be allowed to digress

digress from my subject, and state, that as ladies do so much in all the convict ships before they leave England, and the prisoners are again received and managed by ladies when they get to New South Wales, how much it is to be regretted that in so many of the prisons in this country the ladies are not permitted to visit, in consequence of the prejudices of the magistrates.

1944. Do you know of any instances in which ladies have applied and been refused?—I do not like to mention the names of places, because it might be unpleasant to the magistrates; but I have known three instances in which committees were formed of ladies of the first respectability; in one instance they were all of the Established Church, the rector's wife, and some of the most suitable ladies in the neighbourhood, entirely with the approbation of the bishop and one or two of the visiting magistrates. Upon the subject being brought forward at the quarter sessions, the ladies were all immediately ordered to withdraw, and since that it has been affecting to see the result. In this instance it has been proved that matrons are liable to get corrupted when not superintended; there was a very decent matron, and I have no doubt if ladies had visited, it would all have gone on well; but the women who have come to the convict ship have told me they have been shamefully treated by her, and that the matron was often intoxicated. I have no doubt we should have seen the women come in a different state if there had been a ladies' committee. In the other instances they were committees formed principally among our friends.

1945. Have you seen a difference where the females came from those prisons in which there are ladies' committees and in which there are not?—I should say that the very countenance shows the difference; the surgeons-superintendent generally say they can perceive a very material difference in them; the prisoners often feel it, and say, "Madam, it is a sad thing we have not had the same advantages as "those have for whom ladies have cared." I have said, "You had your chaplain "to teach you;" "Yes, ma'am, but we like some to come that are not paid for it;" and it is remarkable the effect of ladies' superintendence and instruction on those who come to the convict ships.

1946. Are you aware that Mr. Howard mentions that in Holland the wives of the magistrates were in the habit of attending to the female department?—I was not aware of it.

1947. What is the effect of reading the Scriptures in prisons?—I believe there is no prisoner, however bad, who is not more or less impressed and affected by it; even when they come from Ireland, perhaps having had no religious instruction, it is remarkable how soon we perceive how strikingly they are adapted to their sinful and sorrowful condition; even the most hardened will weep sometimes, and though this state is but of short duration, it has an effect upon them; it has a softening and a serious influence.

1948. Do you allow the selection of the parts of Scripture which are read to be entrusted to the prison matrons?—No, they are generally selected by the chaplain or the ladies, and in Ireland by the Roman Catholic clergyman.

1949. Have you visited the Hulks?—I have now and then been on board the Hulks.

1950. What is the state of the prisons in Ireland and Scotland?—I think it is right to say of the state of the prisons in Ireland, that they do credit to the magistrates and to the inspectors, general and local. I should say, take the average, I am not sure whether the principal prisons in Ireland are not better conducted than they are in England; the General Inspectors, Major Palmer and Major Woodward, inspect the prisons annually; and there are also local inspectors, who visit daily; and the Instructions of the Ladies' Committee have been very beneficial in many of the gaols; the Richmond Bridewell is one of the best. I visited many of the prisons in Scotland in 1819, and I am very sorry to find, from the Reports of the Prison Discipline Society, that very few of them are much improved. It is lamentable to have so many of them in the state in which they are; there were no yards to many of them; the prisoners were confined in very small rooms; in one there were three debtors; there had been five; the room nine feet by nine, and they were never allowed to go out; the state of filth and abomination of the rooms was beyond description. I saw a poor untried prisoner, who had made some little effort to escape from a prison that was perfectly insecure; he was confined to a bar that had rings to it, which kept his legs apart two feet; when we saw him he said they had never been moved for one fortnight; the bar was so made that they could be divided three and a half feet apart; the man appeared in the greatest distress; it

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was certainly a species of torture that was to prevent his escaping. In the same miserable place there was a poor lunatic, who had been confined seven years because he had defaced the seats in a gentleman's garden, and they thought he was a little dangerous; on our representation the magistrate attended to it; the lunatic was comfortably clothed, and I believe afterwards sent to some lunatic asylum; but there still are many in the same lamentable condition; there is no airing ground, and they are literally confined to their rooms by day and night. I think it right to add, that in some places in Scotland there are good prisons. The state of our borough and town gaols generally is truly affecting; the want of separation between men and women; receiving little or no instruction.

1951. Do you think the improvement of the burgh gaols, or sending the prisoners to the county gaols, where they are governed on good principles, would lead to the reduction of crime?—Where the county gaol is not at a great distance, it would be better to have the burgh gaols done away with; but where they are at a great distance, or many prisoners in them, I think there is an objection to the transit. In the town gaols there are no female officers generally, and there are great evils resulting.

1952. Have you received any letter from New South Wales, showing what is the opinion entertained there as to the disposal of the convicts?—I have; I have no doubt every thing will be done in the disposal of female prisoners, on their reception, that is likely to promote their good. General Darling has effected a great deal, and his wife has been a real blessing to the country, both as respects the depôt for the prisoners and the schools. In a letter I have received from her she says, "I have been favoured with your communication in the name of the British "Society, dated 1st Month 12, 1830; but as it related to matters which are under "the direction of the gentlemen forming the committee of management, I sent it "to them, and have the pleasure of forwarding their answer. It will be seen from "this, the many difficulties and evils which present themselves, in addition to "those pointed out by The British Society; so that it would appear it requires "some care to choose the least, which the committee seem to think is done by "pursuing the present method. There is no place, no building, to which the "women can be sent, excepting to the Factory at Paramatta; and even now, when "it is so much better disciplined and managed, that to the eye of the casual visitor "all appears order, cleanliness and decorum, the committee notwithstanding "think the women there so likely to do mischief, and corrupt still further those "but recently arrived, that this evil appears to them to be greater than that of "assigning them in Sydney. The facility afforded to people returning servants is "also a great evil, but it is difficult to prevent it. Some time since, a regulation "was made obliging people to return them through a magistrate, stating the "offence, &c., for which they were returned: and now the Government has "adopted the additional preventive mentioned in the accompanying paper, to "which, I believe, it is needless I should add any remarks of my own, as that will "sufficiently prove how almost impossible it is to provide against the many diffi-"culties which occur. The ladies' committee still continue their exertions, and I "cannot but hope with much success. The interior arrangement of the buildings, "and the behaviour of the women, are extremely orderly and decorous. The Peni-"tentiary Class consists of those women who are under sentence of magistrates for "offences; it is, in fact, our house of correction; some are sentenced for three, "some four, some six, some twelve months, according to their crime; these are "kept at hard labour or coarse work; they spin and card wool, and weave it into "a kind of cloth, of which the clothing of the male prisoners is made. There are "in this class some unfortunate individuals who have been sentenced for life, in "commutation of the punishment of death. The Second Class is a probationary "one, formed of those who have served their time in the Penitentiary; they remain "there for a short period, and if they behave well are removed to the First; they "are employed in making up the clothing worn by themselves and the male "prisoners. The First Class consists of those who are assigned as servants; but "there are in this class many individuals, and this number must of course increase, "whom, from age or some bodily infirmity, no one will take into their families; "the others, until they are assigned, are employed in needle-work furnished by "the ladies, and by them also sold to the poorer and labouring classes at a very "moderate profit; and from the sale of these articles the fund has been raised "from which the women have been rewarded, to the number, I am happy to add, "of 65. Altogether the encouragements have been quite equal to what we "expected,

" expected, and the discouragements fewer. Some of the women by the Rosslyn " Castle promise to turn out well, and have already good situations." It is thought much good would result if the wives were allowed rather sooner to follow their husbands to New South Wales than they now do. I think it right, before I conclude, to state, that the ladies of the British Society make a point of never inculcating any sectarian religious views, but confine themselves to simple Scripture truth. They also avoid any interference with the regulations of the magistrates, but, on the contrary, endeavour to enforce them. They make it a rule to treat the officers with kindness and respect. In few things do they think they have seen more beneficial results from their labours than in their attention to discharged prisoners.

Mrs. *Fry* and Miss *C. Neave.*

23 March, 1832.

Samuel Hoare, Esquire, again called in; and further Examined.

1953. HAVE you any further remarks to make on gaols under local jurisdiction?—I was suggesting, the last time I had the honour of being examined, what measures might be taken to correct the abuses in the gaols of local jurisdictions, and render the punishment in prisons equal. I stated, that where the averages of the prisoners at one time exceeded forty, the local Justices should be required to render their prisons conformable to the 5th of George IV.; where the average has been more than eight, but has not exceeded forty, the local Justices should either conform to the 5th of George IV. or commit to the nearest county gaol or house of correction, excepting in the case of prisoners for re-examination, or of those summarily convicted or detained for want of bail, but that in no case should the period of detention exceed 14 days: that if the local Justices desire to have their prisoners tried at their own sessions, such prisoners may be brought back for trial, and after conviction be again sent to the nearest county prison, the local jurisdictions repaying to the counties all the expenses to which they may be subjected by this arrangement: where the average number has not exceeded eight, that the prison shall be used only for the temporary reception of persons until fully committed for trial to the county gaols; also for persons committed for want of sureties, who request to be detained in such prison with the prospect of procuring them, and for persons summarily committed for periods not exceeding 14 days; no prisoner, under any circumstances, to be confined therein longer than 14 days: that in all such prisons separate sleeping cells should be provided, and the sexes be kept apart, both by day and night.

Samuel Hoare, Esq.

1954. Have you any observations to make on the state of Newgate?—Newgate is the common gaol of Middlesex, and wholly inadequate to the proper confinement of its prisoners.

1955. What remedy would you propose?—That it should be enlarged or rebuilt. I consider the manner in which the prisoners are crowded together (entirely contrary to the requirements of the Prison Bill, the 4th of George IV.) to be a great cause of the increase of crime. There are practices in Middlesex to which I beg leave to call the attention of the Committee: the Act allowing the sentence of death to be recorded, where there is no prospect of the penalty being enforced, has not been acted upon, and many persons are consequently confined in the condemned cells in Newgate of whose execution there is not the slightest intention. There they associate indiscriminately with those who are doomed to die, and disturb or banish serious reflection. I have seen 45 men and boys at one time in the condemned cells passing their time in the greatest levity. I would also point out a practice which I consider very injurious; it applies in some measure to all the larger counties, but more especially to Middlesex; that is, retaining prisoners in confinement after the grand jury have ignored the bills, and when there is not the slightest intention of preferring another indictment. They are thus detained frequently five or six days till discharged by proclamation upon the dismissal of the grand jury. Prisoners should be discharged as soon as the grand jury have thrown out the bills, unless there is an intention to prefer others; and for their detention the consent of the Bench should be obtained. I wish also to make a remark applicable to the whole country; that as the law awards the same punishment to the same crime, there should be no variation in its infliction; but there is scarcely to be found in any two houses of correction a similar system of discipline. For instance, the labour of the tread-wheel in houses of correction is varied from six to nine hours a day. On the tread-wheel the daily ascent required varies from 7,000 to 17,000 feet. Respecting diet, in some prisons the allowance costs 1*s.* 9*d.* per week, in others, 3*s.* 11*d.* (*See* App^x No. 6.)

Samuel Hoare, Esq.

23 March, 1832.

As to religious instruction some of the prisons have the services and attentions of a chaplain on Sunday, and during all the days in the week; in others there is no chaplain, no religious instruction of any kind whatever. (*Vide* Appendix, No. 7.)

1956. Do you refer to borough gaols?—To county gaols and borough gaols also. I beg leave to be allowed to state another point which I think requires attention; the punishment of whipping, when ordered by the Court, is left entirely to the discretion of the gaoler as to the number of lashes, the instrument by which they are to be inflicted, and under whose superintendence. The punishment being thus undefined, opens a door to very improper conduct on the part of the officers employed to inflict it, who, in almost every instance, are the turnkeys of the gaol. Over a prisoner sentenced to be whipped, the turnkey possesses a dangerous and undue power, by promising to inflict the punishment with mildness, or threatening to do it with severity; the turnkey continually puts him in mind of this. The courts should, in passing sentence, define the number of the lashes and the instrument; and the punishment should be invariably inflicted in the presence of the keeper and the surgeon.

1957. Do you approve of that mode of corporal punishment?—I exceedingly disapprove of corporal punishment; but I am not so sanguine as to anticipate that it will be done away with entirely; my own opinion is that it should be done away in almost every instance. I would observe respecting the borough gaols, that their real state is very little known. Some gentlemen with whom I have been in the habit of acting have been taking a great deal of pains to ascertain their number and their condition, but their inquiries have been hitherto unsuccessful; I have reason to believe there are full 130 of those local jurisdictions, and there will be found in the Parliamentary Returns not more than 80 mentioned, leaving nearly 50 local gaols of which there is no report; there are not less than 5,000 prisoners committed to the borough gaols annually, and there ought to be no gaols of which Returns are not made to the Secretary of State for the Home Department; there are also many gaols belonging to manor courts for the confinement of debtors.

1958. Have you ever seen any mischiefs arise from the confinement of lunatics in county prisons?—I have never seen any mischiefs arise from it, except in the suffering inflicted on the lunatics themselves, and the disorders resulting from their association with other prisoners. I beg to read an extract, to which I referred in my former Evidence, from Mr. A. Wood's Journal, describing the State Penitentiary in Pennsylvania: "The first prisoner whom we were locked up with was a man con- "fined for a second offence of horse-stealing. On his first conviction he had been "imprisoned in the Walnut-street gaol; we found him hard at work weaving, and "very ready to answer every question we put to him; he fully acknowledged his "crimes and explained the motives which first led him into error. We asked him "how, having once suffered for the violation of the laws, he was still led on in the "commission of crime? With a smile which implied surprise at our supposed igno- "rance of the nature of a prison where the convicts are allowed intercourse with each "other, he replied, 'He who has been confined in the Walnut-street prison can "'never come out an honest man;' and went on to explain how impossible it was to "avoid forming connexions with associates in guilt, whose greatest delight is to lead "others into the commission of their own crimes. He enlarged very much upon "this, and detailed how readily the young offenders were led still further astray, by "listening to the hairbreadth escapes and stories of low cunning and deceit by "which men, grey-headed in iniquity, had eluded the vigilance of justice. Changing "the subject, we inquired whether he felt any difference in the effect of his present "punishment; whether it was much more severe, and whether solitude had "not the effect of depressing both his bodily and mental energies? He said the "effect was as different as day from night, and he considered his present confine- "ment as one of the greatest blessings of his life, and the only one by which he "could possibly have been saved from irretrievable destruction; he acknowledged "that the punishment was severe, and he had felt it particularly so at first; yet had "he the choice of a prison, he would always prefer that; now, by constant work at "his loom, he wove from 15 to 18 yards a day; and by reading his Bible, which he "had scarcely ever done before, and tracts, (both of which are supplied to all the "prisoners,) his time passed quickly away; but without work he thought his spirits "would become very depressed, and he should become weary of himself. There "are no sentinels, no fire-arms, no corporal punishment, nor is any work compul- "sory; the newly arrived convict is asked whether he wishes to work; and if he

" declines

" declines it at first, he invariably solicits for it in a day or two, when it is made a " matter of favour to give it him. The next prisoner visited was a young man about " 20 years of age, who was confined for the first crime, for robbing his employer. " He was also weaving a coarse cotton fabric, and averaged 16 yards a day. He " told us that, employed in a store, he had fallen into bad company, and with them " into bad habits; this led him into expenses which he was unable to support; he " frequented liquor shops, and was finally detected in thieving. His views respect- " ing the salutary effect of his present punishment strongly coincided with those of " the other prisoner. He had been confined in Walnut-street prison previous to " his conviction, and greatly preferred being where he now was, conscious that it " afforded him the only chance of reformation. We saw four or five others con- " fined for larcenies, burglary and forgery, and all told the same tale, acknowledged " the justice of their sentences; all, too, promised reform, and bore testimony to " the plan under which they were imprisoned as the only one likely to produce such " a result. Several very justly observed that now, unknown to each other, they should, " upon their release, have a chance of entering the world anew in the light of honest " characters; whereas when discharged from a prison where they had been the asso- " ciates of hundreds, they came out with the stamp of villiany upon their brows; and " even where a man was honestly inclined, still the character was so utterly lost that " his judgment and wish for reformation were almost necessarily stifled, and he was " forced, as it were, to relapse into his old courses. The only remarkable person " amongst the latter was a man of middle age, who had all his life been conversant " with crime of almost every kind and degree; he was well known to most of the " gaolers in the States as having been, at one time or other, under their keeping. " His present commitment was for an aggravated case of robbery from an old " couple in their own dwelling-house; through the fears of an accomplice, who " forsook him, it appears that he was taken almost in the act. He was confined " for about seven months, and informed us that, for the first three months, it was " impossible to describe the feelings of agony and vexation which he had endured " from solitude, and he cursed the inventors of the plan, as one of the severest " punishments ever undergone by a convict. By degrees, however, his spirit was " tamed, and he asked for work; and now he was content, and well convinced it " was for his good. All appeared perfectly subdued, but by no means broken " down. The system, however, is not one of absolute solitude. Work is in itself " a great alleviation; and when a new trade is learned, the teacher is of course " both seen and heard; when the work is given out and taken in, a few words are " necessarily exchanged. The keepers have occasionally to visit the prisoners, and " they are also visited every three or four weeks by the inspectors, as well as " weekly by the clergyman. One of the most striking features in the system is " the mildness with which the prisoners are governed, without any loss of autho- " rity or respect; and on the whole it would appear a plan which embraces in its " results both punishment and reform."

APPENDIX.

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APPENDIX.

Appendix, No. 1.

AMOUNT of LABOUR actually performed by PRISONERS sentenced to work on the TREAD WHEEL in the undermentioned GAOLS and HOUSES OF CORRECTION.

	Number of Hours of Labour.		Portion of Time allotted for Rest during Hours of Labour.	Time allotted for Prayers.	Time that Prisoners are actually on the Tread Wheel, deducting Intervals of Rest and Time allowed for Prayers.		Height of the Steps of the Tread Wheel.	Number of Steps ascended per Minute.	Number of Feet per Day which the Prisoners ascend.	
	Summer.	Winter.			Summer.	Winter.			Summer.	Winter.
					H. M.	H. M.	Inches.			
Bedford Gaol - -	10	7	1/3d	15 min.	6 30	4 30	8	20	5,000	3,600
Ditto - House of Correction - - -	10	6	1/3d	none	6 40	4 -	7	40	9,333	
Durham Gaol - -	9	6	1/4th	none	6 45	4 30	7	46 in Summer, 48 in Winter.	10,867	7,560
Exeter House of Correction - - - -	8	7	1/4th	30 min.	5 40	4 53	7 1/4	48	9,860	8,612
Knutsford House of Correction - - -	10	7	1/3d	none	6 40	4 40	8 3/4	48	14,000	9,800
Reading Gaol - -	8	8	1/4th	15 min.	5 49	5 49	9	48	12,564	12,564
Worcester Gaol - -	10	8	1/3d	- -	6 40	5 20	8 1/2	48	13,600	10,880

ESTIMATED EXPENSE of converting the Day Rooms in *Worcester* Gaol into Solitary Sleeping Cells, £. 9. 12. 6. per cell.

Ditto - - for building new Solitary Sleeping Cells, as an addition to the Gaol - - - £ 11. 5. 0. per cell.

Appendix, No. 2.

LETTER from *Robert Smirke*, Esq. to the Chairman of the Committee, respecting the Expense of building Convict Barracks in the Dock-yards.

SIR, Stratford Place, May 19, 1832.

ACCORDING to the instructions of the Committee, I have estimated the Expense of building a Convict Barrack in the Dock-yards, upon the plan of those adopted in the United States of America; and I have to state, for their information, that such a Prison for 1,000 Convicts would probably be built for the Sum of £. 56,000.

A Building connected with the Prison, containing rooms for the Gaoler or Superintendent, the Turnkeys, Kitchen Offices for the Convicts, &c., would incur a further expense of about £.6,000; and a Chapel, with rooms for the Chaplain, the further sum of about £.3,000.

A Prison of the same description, but containing only 400 Convicts, would be built for about £. 23,000; the Officers' Rooms and Kitchen Offices attached to it, a further sum of about £. 5,000, and a Chapel, £. 1,500.

The expense of erecting such Buildings must in some degree vary according to the situation in which they were placed, both with reference to the foundations necessary for them, and the local value of materials; but the Estimates here stated may be considered as founded upon a fair average, and in some situations the expense would certainly be less.

In reference to the further desire of the Committee to be informed of the probable reduction in the expense of the Building, if Convicts were wholly employed upon its construction, I beg to observe, that it is scarcely possible to state with accuracy what proportion the expense of labour would bear to the whole expenditure; but in a Building of this nature it would be much less than in others, and would probably not exceed £. 5,000.

I have no knowledge of the value of Convicts' labour, nor of the additional expense charged to the Public when they are employed; but, considering the low wages at which the services of Free Labourers can be engaged at this time, the different degree of activity and attention with which it is probable that they work, and particularly the different manner in which the materials are economized when provided by the Government or by the Builder, I think it is very probable that such a Building would be better constructed, and with very little additional cost to the Public, under a Contract with a respectable Builder, than by the employment of the Convicts.

I have supposed that Rooms may be found in some parts of the Dock-yards for any sick Convicts.

I have the honour to be, Sir,

Lieut.-Colonel Davies, &c. &c. &c.

Your obedient Servant,

Rob^t Smirke.

Appendix, No. 3.

RETURN of the ACTUAL VALUE of the LABOUR performed by the CONVICTS employed at *Woolwich Dock-yard* in the Year 1831, distinguishing each Month.

PERIOD.	AMOUNT.		
	£.	s.	d.
For the four Weeks ending 29 January 1831	773	4	2
— 26 February	677	7	11
— 26 March	622	18	10
— 23 April	580	14	2
— 21 May	596	8	–
— 18 June	682	6	6
— 16 July	668	17	–
— 13 August	669	–	6
— 10 September	682	11	9
— 8 October	625	9	–
— 5 November	626	13	6
— 3 December	569	6	1
— 31 December	709	18	4
£.	8,484	15	9

Note.—The computation is made at 1 *s.* 9 *d.* a day, which is lower than the earnings of the free Labourers of the Yards by about one-third.

Navy Office, 17 March 1832.

R. Dundas.
R^t Seppings.

Appendix, No. 4.

1.—LETTER from the Transport Board to the Right Hon. Lord Viscount *Sidmouth*, &c. &c. &c.

Transport Office,
18th February 1815.

My Lord,

AS it is likely that the American prisoners of war now confined in the Depôt on Dartmoor will soon be released, we feel it to be our duty to submit to your Lordship's consideration, whether that Depôt may not be very advantageously appropriated in time of peace to the reception of convicts intended to be transported to New South Wales; it being a prison of great security, and very conveniently situated for the embarkation of convicts at Plymouth.

We beg leave to represent to your Lordship, that it appears to us that great advantage to the cause of humanity will be produced by the appropriation of Dartmoor Prison to this purpose, by obviating the necessity of shipping convicts for transportation at improper seasons of the year, which is at present caused by the occasionally crowded state of the gaols of this Kingdom.

It has often been necessary, from this circumstance, to embark convicts and despatch them to New South Wales in the winter season; a measure which has proved fatal to many of these unfortunate criminals, particularly in the recent case of the ship "Surrey," which received convicts in January 1814, sailed from this country on the 20th of the next month, and arrived at that Colony in the July following, *with the loss of fifty men*; which great mortality may be chiefly attributed to the cold and blowing weather which was experienced on her sailing from England, and the sudden change of climate from extreme cold to excessive heat, on crossing the line, and again meeting the winter season in high southern latitudes before her arrival at her destination.

It is to avoid this calamity that we recommend that the Depôt at Dartmoor, which is calculated to contain 9,000 prisoners, with barracks and guard-houses sufficient for the accommodation of 600 soldiers, may be fitted for the reception of convicts from the several county gaols, from among whom the most healthy and strong may be selected for embarkation, in parties of 200 each, in each ship of 450 or 500 tons, and be despatched from this country to New South Wales in the months of May, June, July, August, and early in September in every year; the adoption of which regulations, we apprehend, would insure to the convicts a good passage, prevent the introduction of disease on their embarkation, and be in every respect more comfortable to them than the continuance of the present mode of transporting them in all seasons of the year.

We have the honour to be, &c. &c.

(signed) *Rup. George.* *John Forbes.*
J. Bowen. *J. Harness.*

2.—EXTRACT from Report from the Committee on Prisons within the City of *London* and Borough of *Southwark*, relative to Dartmoor Prison.

Your Committee have received in evidence, that the forest of Dartmoor contains about 130,000 acres of land, one-fifth of which is enclosed; and that a considerable part is the property of His Royal Highness the Prince Regent, as Duke of Cornwall:—That the Prison thereon has formerly contained from 8,000 to 9,000 prisoners of war; and it is stated that 2,000 convicts may be well secured there, with proper divisions for classification and work-rooms. It appears, by professional evidence laid before Your Committee, that the situation of the prison on Dartmoor is indisputably healthy; that provisions are cheap; that fuel is to be acquired for the labour only; and that the utmost expenses for the proposed alteration of the prison would not exceed 5,000*l*. It is evident to Your Committee, that the proposed conversion of Dartmoor Prison into a prison for convicts would place it in a more perfect state for a prison of war at any future period; as Your Committee have received in evidence, that if it remains unoccupied it must inevitably fall into decay. Your Committee therefore beg leave to direct the attention of His Majesty's Government to this subject; for the prisoners might be speedily removed from the contagious vices of the Metropolis, wherein the completion of one crime is mostly the precursor of another more iniquitous; and the youthful delinquent, by compulsatory labour, in the first instance, would be withdrawn from those habits of idleness which never fail to engender depravity, and to afford an opportunity for the imitation of bad example.

By such regulations, it appears to Your Committee that the means of actual subsistence would be acquired by the exertions of the convicts themselves, therein affording an incitement to labour, and consequently an urgent inclination for a return to virtuous habits. Dartmoor abounds with granite of an excellent quality, well adapted for the purposes of building or paving; and, as His Majesty's Government are at this time purchasing large quantities for various public works, Your Committee conceive that convicts would be capable of cutting granite to any extent for such purposes, and that such a process would cleanse the land, and render it fit for cultivation. Turf also may be cut to any quantity, and a canal or iron railway might convey it to Plymouth. There are also great falls of water in every part of the

Moor; and Your Committee are of opinion that cloth might be manufactured by the prisoners for their own clothing, as large quantities of coarse wool can be obtained upon the spot. On this subject Your Committee beg to refer also to the Report of the Transport Board, which is hereunto annexed. The House will observe, that in the judgment of several respectable witnesses, great advantages may be derived from the application of the labour of convicts at Dartmoor. On this Your Committee refrain from expressing any opinion; but they think it proper to direct the attention of The House to the Evidence in the Minutes on that subject.

8 *May* 1818.

3.—MEMORANDUM in reference to a Suggestion for the Establishment of a DEPÔT for CONVICTS under SENTENCE of TRANSPORTATION, in the Prisons of War at *Dartmoor*, forwarded to the Secretary of State for the Home Department in the Year 1826.

1st. IT is submitted, that, with a view to relieve the prisons of the Metropolis and of the adjacent Counties from the crowded state in which they are at present, and which appears to have been the subject of a representation from the Magistracy to His Majesty's Government, a Depôt may be formed for the reception of convicts under sentence of transportation, in the buildings formerly occupied as prisons of war on Dartmoor.

2d. That these buildings are now in a complete state of repair; and with regard to their extent, it may be observed, that at several periods during the late war, there were upwards of 10,000 prisoners in Depôt there.

3d. That this Depôt may be for the reception of those whose sentence of transportation beyond the seas it is intended to carry into effect, as well as of those whom it may be deemed expedient not to send abroad.

4th. That after conviction, the prisoners may, by an order from His Majesty's Secretary of State, be conveyed in the boats of the Thames Police to a vessel which may be stationed at Deptford, or elsewhere, in the River, for their reception; which vessel may convey them direct to the mouth of the rail-road in Catwater, adjacent to Plymouth Harbour, which communicates with the prisons on Dartmoor; and they may there be conveyed to their destination, under the same guard, in caravans prepared for the purpose, on the railway.

5th. That being placed in these buildings, they may be supplied at a very moderate rate with provisions of all sorts from Plymouth; and the necessary stores, such as formerly used in the prisons, and beds, &c., now at Plymouth, may be conveyed at a very inconsiderable expense.

6th. That a detachment from the troops in garrison at Plymouth, of the Royal Marines, may be charged with the guard of the prisons, there being barracks on the spot capable of accommodating 1,000 men, privates, and spacious apartments for the officers, now in complete repair.

7th. That the same facility of conveyance of such of the convicts as are destined to be transported to the Colonies, would be available by the rail-road, from whence they may be embarked direct; that part of Plymouth Harbour which communicates with the rail-road being capable of receiving vessels of three or four hundred tons.

8th. That remunerating labour may be obtained on the spot for all the convicts, capable of work, in cutting blocks of granite, and more particularly preparing and breaking granite for Macadamized roads, an employment learned in a few days, and in digging turf: the former may be done by contract with persons who have quarries on the Moor, and are willing to do so under any regulations which may be adopted; and the produce of the latter source of employment would supply fuel for the establishment; and the surplus may be sent to Plymouth, where a market would always be obtained for this kind of fuel, at a price nearly equal to that of coals.

9th. That another source of labour may be found in the cultivation of a considerable tract of land, within the prison boundary (which consists of about 390 acres) in raising potatoes and other vegetables, for which the soil is peculiarly adapted, and as pasture land, the produce of which might be profitably available to the establishment in a considerable degree.

10th. That whatever alterations may be deemed necessary in the arrangement of the existing buildings for the classification of the convicts, it is submitted that the alterations, under a proper superintendence, may be made by the prisoners themselves; and to effect which, the only materials required would be timber and lime; and therefore at a trifling expense to the Public.

11th. That should it be deemed expedient, with a view to the reformation of the convicts to establish a system of premium for good conduct, such a plan may be carried into effect by appropriating to their individual advantage a portion of the profits of their labour, the aggregate of which would unquestionably be very considerable, without interfering with the labour of any class of persons whatsoever in the neighbourhood.

12th. In conclusion, it may be observed, that there is a spacious Chapel adjoining the Barracks, where divine service is now performed twice on Sunday; which Chapel was built by the prisoners of war.

Appendix, No. 5.

LETTER from Major *Macarthur* to the Chairman.

SIR, Parliament Place, Westminster, 6th March 1832.

RECENT letters from New South Wales, and more mature consideration on the subject, have induced me to think I erred in one or two particulars in my Evidence before the Select Committee on Secondary Punishments. I trust, therefore, to your courtesy, in being now permitted to point them out.

Under the head of Free Labour (1620) (1646) I recommended that a small and gradually increasing number of free labourers should be sent out on first entering upon a system of pauper emigration to New South Wales. But it is evident, that the better policy would be to send a large number of persons thither at the same time, for unless the supply of free labour be at once made equal to the demand, it will be in vain to expect imported servants to remain contented in their situations. In this way the great disproportion at present existing in that Colony between the price of labour and of food would be diminished, and the proprietors encouraged to import free labour at their own entire cost.

On the subject of the distribution of convict labour (1622) (1623) (1624), and in recommending a system which it has been considered would give a monopoly of that species of labour to the proprietors of large estates, I was not sufficiently explanatory, and ought to have stated, that although the body of small proprietors in New South Wales contains, undoubtedly, many respectable men, yet that, as a class, it is very different from that of persons filling the station of life in England. Character, as well as capital, ought therefore to be considered in any measure of this kind. Convinced I am, however, by whatever mode it be attempted to carry a more equal distribution of labour into effect, whether by a tax on convict labour, or any other method, that the inconveniences and difficulties felt and acknowledged at present to exist, will be aggravated, unless, setting aside all considerations of minor interest, the great ends of transportation as a punishment are kept in view, and reference be had to the state of management and control of the prisoners upon the several estates, of which the experience of the past affords a safe and unerring guide to a vigilant local government possessing the means of verifying every particular upon the spot.

I have the honour to be, Sir,
Your faithful humble Servant,
Edw. Macarthur.

Colonel Davies,
&c. &c. &c.

Appendix, No. 6.

THE following TABLE shows the difference in the WEEKLY COST of DIET or ALLOWANCES at various Prisons, which are included in the Gaol Act.

	For Untried Prisoners.		For Convicted Prisoners.	
	s.	*d.*	*s.*	*d.*
Berkshire: Reading County Gaol	3	2	3	7
Cheshire: Chester County Gaol	1	7	2	–
Ditto - City Gaol	–	–	2	6
Devonshire: Exeter County Gaol	2	7	2	7
City Gaol	–	–	3	4
Gloucester: County Gaol	2	2	—	
City Gaol	3	2	—	
Hampshire: Winchester County Gaol	2	1	3	2
Portsmouth Borough Gaol	2	–	2	–
Hereford: County Gaol	–	–	3	8
Hertford: ditto	1	9	3	6
Kent: Canterbury County Gaol	1	8	2	3
Lancaster: Castle County Gaol	1	6	2	–
County Prison at Manchester, Men	–	–	1	9
County Prison at Manchester, Women	–	–	1	3
Borough Prison at Liverpool	2	11	—	
Leicester: County Gaol	2	4	3	7
Borough Gaol	2	3	2	3
Lincoln: County Gaol	–	–	3	–
House of Correction at Folkingham	–	–	2	9
Ditto - at Skirbeck	–	–	3	6
Ditto - at Spalding	–	–	3	8
Monmouth: County Gaol, Men	–	–	3	11
Monmouth: County Gaol, Women	–	–	3	4
House of Correction at Usk, Men	–	–	3	6
House of Correction at Usk, Women	–	–	2	2

 (*continued.*)

	For Untried Prisoners.	For Convicted Prisoners.
	s. *d.*	*s.* *d.*
Norfolk: Norwich County Gaol	3 3	3 3
Walsingham House of Correction	2 6	3 2
Northumberland: Morpeth County Gaol	2 4	2 4
Newcastle Town Gaol	1 10	2 –
Nottingham: County Gaol	2 10	—
Rutlandshire: - ditto	3 6	3 6
Shropshire: - - - ditto	2 –	2 –
Somersetshire: - ditto	2 9	2 9
Staffordshire: - ditto	2 2	—
Suffolk: Bury County Gaol	1 10	3 3
Ipswich - ditto	- -	3 –
Surrey: County Gaol	2 –	2 2
Brixton House of Correction	- -	2 9
Kingston - ditto	- -	3 –
Borough Gaol	1 7	—
Sussex: Horsham County Gaol	2 11	—
Lewes House of Correction	2 2	3 –
Warwick: Coventry City Prison	1 2 ½	2 8
Westmorland: County Gaol	2 4	2 4
Wiltshire: County Gaol	2 6	—
House of Correction at Devizes	- -	2 6
Worcester: County Gaol	1 6	2 6
City Prison	2 10	2 10
York Castle: County Gaol	2 4	2 4
City Gaol	2 10	2 10
House of Correction at Beverley	- -	2 2
Ditto - - at Wakefield	- -	2 1

From the foregoing Statement it appears, that the lowest weekly cost of diet for prisoners before trial, is at Coventry City Gaol, 1*s.* 2½*d.*; and the highest weekly cost of diet, for the same description of prisoners, is at Reading County Gaol, 3*s.* 2*d.* The lowest weekly cost of diet for convicted prisoners who labour, is at Manchester County House of Correction, (men, 1*s.* 9*d.*, women, 1*s.* 3*d.*) The highest weekly cost of diet for the same description of prisoners, is at Monmouth County Gaol, for men, 3*s.* 11*d.*, for women, 3*s.* 4*d.*

The greatest difference in the weekly cost of diet, for the untried and convicted in the same prison, is at Hertford County Gaol; the former being 1*s.* 9*d.*, and the latter, 3*s.* 6*d.*

Appendix, No. 7.

THE following STATEMENT shows the want of uniformity in the RELIGIOUS and MORAL INSTRUCTION of PRISONERS at various Gaols included in the New Prison Act.

Brecon: County Gaol.—Service once only on Sundays; no daily prayers.
Chester: City Gaol.—Prayers three times a week; no provision for instruction.
Devon: Exeter City Gaol.—Prayers twice a week.
Essex: House of Correction at Newport.—No Chaplain; no provision for instruction.
Glamorgan: County Gaol.—No daily prayers.
Gloucester: City Gaol.—Prayers twice a week.
Hants: Portsmouth Gaol.—No Chaplain; prayers are read by the Keeper.
Hertford: County Gaol.—No provision for instruction.
Lancaster: Liverpool Borough Gaol.—Prayers twice a week.
Leicester: County Gaol.—Prayers twice a week.
Ditto Borough Gaol.—Service only on Sundays.
Lincoln: Skirbeck County House of Correction.—No Chaplain; and no religious service.
Merioneth: County Gaol.—Service read weekly; but sermon only once a month.
Montgomery: County Gaol.—No daily prayers.
Northumberland: Morpeth County Gaol. No daily prayers.
Tynemouth House of Correction.—No Chaplain.
Hexham - - - ditto - - - - ditto.
Alnwick - - - ditto - - - - ditto.
Radnorshire: County Gaol.—Service only on Sundays.
Somersetshire: Bristol Gaol.—Prayers three times a week.
Suffolk: Beccles House of Correction.—Prayers are read by the Keeper.
Surrey: Borough Compter.—Prayers read by the Keeper.
Sussex: Lewes County House of Correction.—Prayers twice a week.
Battle House of Correction.—No Chaplain; but the Dean of Battle attends gratuitously.
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CONVICTS—

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2. *On board the Hulks.*
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   ii. At Sheerness.
   iii. At Woolwich.
3. *At New South Wales.*

1. *Generally:*

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2. *At Chatham.* Convicts at Chatham are not locked up directly they come on board, *Brett* 1290–1292——And the whole ship's-crew are allowed to communicate with each other, *Brett* 1386–1394——They are a worse set at Chatham than Portsmouth, *Brett* 1418——Inspection by Mr. Capper, *Brett* 1419–1421.

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SECONDARY PUNISHMENT.

(AUSTRALIA.)

RETURN to an Address to His Majesty, dated 3 March 1834;—*for,*

Copies or Extracts of any CORRESPONDENCE which may have taken place between the Secretary of State for the Colonial Department, and the Governors of the Australian Provinces on the subject of Secondary Punishment;—— also, Copies or Extracts of any CORRESPONDENCE between the Secretaries of State for the Home and Colonial Departments on the same subject.

Colonial Department, Downing-street, 4 March 1834.

JOHN LEFEVRE.

Ordered, by The House of Commons, *to be Printed.*
4 *March* 1834.

SCHEDULE.

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CORRESPONDENCE between the SECRETARY of STATE for the COLONIAL DEPARTMENT and the GOVERNORS of the AUSTRALIAN PROVINCES, on the Subject of SECONDARY PUNISHMENT.

VAN DIEMEN'S LAND.

No. 1.

EXTRACT of a DESPATCH from Lieutenant-Governor *Arthur* to Viscount *Howick*, &c. &c. &c.

Van Diemen's Land, 18 February 1832.

AS, upon a review of all the information which has been collected, my Lord Goderich is satisfied that the change (*the execution of the public works by contracts*) would be desirable, his Lordship directed that it should be immediately carried into effect, so far as circumstances would admit. And in furtherance of this plan, it is his Lordship's direction, that the convicts employed in the public works shall be assigned, with the exception of the most refractory characters, whom the settlers may be unwilling to receive, and these are to be employed on the roads, or in some other manner, at a distance from the towns; so that by the strictness of discipline they may be induced to prefer the service of settlers to that of the Government; there being too much reason to apprehend, from all the information which the Secretary of State had been enabled to obtain upon the subject, that the ordinary employment of the Government is rather courted than dreaded by them.

Nothing can be more important than the object proposed. In many instances contracts may be beneficially resorted to; but the system must be commenced with caution. The question is, by what means may the public works be most beneficially carried on, with reference to the discipline of the convicts and public economy?

The observation "that the ordinary employment of the Government is rather courted than dreaded by the convicts," affords a striking proof how very much His Majesty's Government has been misled in this particular. Certainly there are situations of comparative ease, such as constables, messengers, and so forth, in which service it is a necessary evil to employ convicts; but as to the public works, except removal to the Penal Settlements, it is of all conditions that in which convicts are subjected to the greatest hardship, and such has uniformly been the case during the last three years; and with sincerity I assure your Lordship, that the greater deprivation to which these convicts are exposed beyond others, is the strongest argument, both with the engineer and myself, against the public works; and nothing reconciles me to the comparative injustice of the situation of these convicts in relation to assigned servants, but the knowledge that, with few exceptions, they have been returned upon the hands of the Government for their offences in the Colony, and that, if they conduct themselves with propriety, they are removed in progression to the loan gang, and there are in a better situation than assigned servants.

In addressing myself to this part of the subject, viz. the discipline of the convicts I take occasion to remark, that I labour under a serious difficulty. The mere act of transportation is now admitted on all hands to be no longer a punishment at all dreaded at home; and if the sentences of the Courts in England were to terminate with the deportation of the offenders, His Majesty's Government would, no doubt, find that criminals would soon multiply in the empire. I advance this not upon mere surmise, but from my actual knowledge of the fact. The connexion between the convicts and their friends in England is not broken; and if your Lordship will take the trouble to refer to the Home Department, I am certain you will find, by the correspondence which is passing, that the convicts in Van Diemen's Land warn their old associates in England to beware of being sent hither. I allude principally to the worst class of convicts, who are the characters that generally find their way into the public works. The assigned servants, if they happen to be in the service of a wise and prudent master, are undoubtedly removed from a state of destitution in England

to one of comfort in Van Diemen's Land; but even with the general run of masters, whose wisdom and prudence I cannot command, there can be no question but that the situation of the convict is greatly improved by being removed to a country where labour is scarce, and the labourer consequently is in great request. Still a great proportion of the convicts thus disposed of are returned upon the hands of the Government by colonial sentences. Those whose crimes are very serious, are, of course, at once placed in the chain gangs, and liberated therefrom according to the nature and degree of their offences, and according to their conduct whilst undergoing that discipline; and previous to re-assignment, are either placed in the Public Works, in the Engineer or Road Department, on probation. In the contemplation of resorting to contracts entirely, the Secretary of State considers that the Road Department will be the most proper situation for these refractory convicts, and, certainly, to all who have not local experience, it would seem the most judicious position for them, but, practically, there can be no doubt that it is ten times more difficult to enforce compulsory labour from men upon the roads, without going to a very great expense. They must be secured in strong buildings, and as they progress upon a road, their station must be changed; and further, the whole of this class is much less under the control of the authorities than any other description of convicts. It is not to be supposed that the system, under an arrangement of greater expense, may not be made far more efficient; but in a country so exceedingly destitute of mechanic labour, the policy of going to this expense, and of employing disorderly mechanics upon the roads rather than working them in chains, is exceedingly doubtful; when, as this government is circumstanced, there are works which must be constructed either by the labour of these offenders, or by contracts.

There are but few mechanics who are free, for it is perfectly astonishing, considering the distress at home, resulting, as is supposed, in a great degree from a redundant population, how very limited a number of mechanics have emigrated, or indeed have been transported. The number of free mechanics being so limited, it follows that the contractors must secure the convict mechanics, and then will arise the difficulty how they are to be treated. One or two courses only is open; convicts must be dealt with either by strict discipline and coercion, or by extreme indulgence. Down nearly to the year 1828, the Government had not the means of exercising a strict discipline over the convicts in the public works, and the fatal consequence was, they were obliged to proceed upon a system of lenity, and hence robberies took place every night; absconding followed as a consequence, and "bush-ranging" was the necessary result. For the last three years this has been, I may venture deliberately to use the strong expression, *totally suppressed.* From January to December, scarcely a burglary is committed either in Hobart Town or Launceston. Very few of the convicts in the public works have any means of making money, and being locked up at night, they are debarred from the opportunity of indulging in excess, or of gratifying their deplorable desire to be mischievous. Wretched as these people are, still, as our fellow creatures, our sympathy towards them cannot but be excited, and it is my opinion, founded upon long experience, and I may venture to add upon the most assiduous inquiry and careful investigation, that it is the prevention of crimes amongst the convicts, affording them no opportunities for indulgence, and not by visiting offences which grow out of indulgence with the infliction of severe punishment, which is the true principle of governing convicts. And how is this principle to be acted upon if the convict mechanics are assigned to contractors, in a country where mechanic labour is avowedly so scarce. Even in England the most respectable contractors will make great sacrifices to the tradesmen they employ for the purpose of completing a contract; but here, I am thoroughly persuaded contractors will go to the most faulty extremes to accomplish their end. Will drunkenness, or theft, or outrage, induce a contractor whose personal interest would deeply be affected by the result, to bring forward a convict mechanic for punishment, and thereby deprive himself of his services? Most assuredly not. And will not these depraved men speedily communicate to their vicious companions in England the indulgences they permissively enjoy, and encourage them to become participators in their debaucheries? This, as far as I can judge of these men, is a faithful state of the disposition of their minds; lost in character and morals, these miserable out-casts from their native country, if the opportunity be but afforded, will generally return with avidity to the course of life which led them to ruin and disgrace; and, whether it be proper to place them in such circumstances of temptation, I submit to Lord Goderich's judgment.

It is a regulation in the Colony that no master of an assigned convict shall allow his servant to be employed out of his own immediate service; and agricultural labour is undoubtedly the most appropriate service for all convicts, where their masters' profits are only the *indirect* result of their assistance, and where the same feeling cannot exist, as your Lordship will readily understand, is produced by the relative position of a contractor, and convict mechanic assigned on loan. If a convict in the service of an agriculturist commits a serious crime, for the sake of his family, the master takes him before a magistrate, and is content to run his chance of getting another servant in his stead; but the contractor, for the sake of his family, will connive at the most flagrant offences rather than part with the services of an artisan whose handicraft is so *directly* important to him. There is no officer of the Government who has not seen this over and over in every contract the Government has made under the condition of giving convict mechanics.

I feel conscious that it is difficult to convey exactly in writing the state of things in a Penal Colony; it is, happily for society, an unnatural condition, and not referable to those principles by which society is regulated in our own country, where, though crime abounds, virtue enough still preponderates to expose it.

It is from these feelings I would still continue such works in the Engineer Department as can be undertaken, until His Majesty's Government, by the deportation of a sufficient number of free mechanics, shall introduce a better and more wholesome state of things.

If this were done, convict mechanics of every description might be treated in common with the mass of other convicts, and the whole system would be regenerated. It has been represented to me, that even good mechanics are supported by their parishes in some parts of England, and surely, if this be the case, the removal even of 200 or 300 of such persons would be some relief at home, and a most extraordinary benefit to the Colony; and if only such be approved for emigration as are not *drunkards*, the scheme cannot fail. In one year a good mechanic may well be able to repay the expense of his passage by his own labour, if he be a single man, and in two years, if he has a family. In twelve months, with your Lordship's cordial co-operation, this beneficial measure may be effected, if there be such an excess of mechanics in England; which will be by far the most safe, and the most judicious way of settling the question of public works in Van Diemen's Land.

The charge for mechanic labour now employed in the public works may be estimated at one shilling daily, including tools; whereas, no contractor can engage a good mechanic for less than from seven to ten shillings per diem, and his tenders will be prepared upon this estimate. It may be answered, but if the convict mechanics now in the public works are assigned on loan, the contractors, though they be obliged to grant them some indulgences which the Government does not allow, and thereby in some degree enhance the price of mechanic labour, still they will be able to reduce their terms. My reply is, that if with all the vigilance employed by the Government, and with all the awe the convicts feel for officers who have no personal interest in their labour, but who have a public character to sustain, these convicts are with difficulty kept in order, their conduct can never be depended upon under a more relaxed system. They must be indulged, or they will not labour; and if indulged, they will commit offences, and the Colonial Government will actually be expending its means, whilst its resources are yet quite undeveloped, and whilst improvements are so distressingly required, in contributing indirectly to feed the depravity of convicts, and to promote no end but that of enriching a few contractors at the expense of the still deeper depravity of the convicts, and of an unnecessary waste of public money.

Many trifling works have been executed by contract for the Colonial Government, but with respect to any heavier undertakings the plan pursued throughout the year 1831 for the construction of the Orphan Establishments will be, as it strikes me, in unison with the intentions of the Lords of the Treasury, and I hope consistent with Lord Goderich's direction to carry that intention into effect so far as circumstances may admit, and yet it will save us from the evil consequences I have described.

It was not until the year 1831 that these schools could be proceeded with, and then the convicts employed upon them were lodged in a temporary barrack on the ground, and were placed under the entire charge of a respectable master builder who arrived at that period in the Colony for the purpose of settling on land, but

who engaged his services to the Government for this special undertaking at the rate of 200*l.* per annum until the two schools should be erected.

A most accurate account has been kept of every convict employed upon the building, for whose expenses the military chest will be scrupulously paid, as well as for every article furnished from the stores; and by this arrangement the Government will derive all the benefit of the contract system without its attendant evils, and the resources of the Colony will not be unnecessarily exhausted; whilst buildings will be erected perfectly durable, which is certainly not the case with any contract work which has been yet undertaken in the Colony. The engineer visits the building daily, and being a magistrate, every convict who misbehaves, whether mechanic or labourer, is brought before him and punished on the spot, by being worked at his trade in irons, and subsequently locked up in the temporary barracks. Under this system, by which in point of fact the Colonial Government has the charge, management, and is strictly liable for the maintenance, of all the men employed on this building, and relieves the military chest as effectually as though they were assigned to any contractor. I am aware the Government does not get the full quota of labour which might be derived from free artisans, nor as much as might be given to contractors under a system of indulgence; but at the same time the convicts are kept at continued labour; no task-work is allowed, and they have no indulgence beyond the Government ration.

Although my mind has been continually directed to this subject, and I have thought over every point on which I have written, with deep attention, I have been obliged to express myself in this letter with more haste than I could desire, as I exceedingly wish to place the whole subject plainly before the Secretary of State; but I would not be misunderstood in this, that the public works, if well conducted, constitute a most desirable means of punishment; whereas, the contract system, executed by convicts assigned on loan to contractors, will be a system destructive of the end of transportation, and that at present there are not the means otherwise of erecting buildings by contract.

No. 2.

DESPATCH from Lieut.-Governor *Arthur* to *R. W. Hay*, Esq.
&c. &c. &c.

Van Diemen's Land, Government House,
Sir, 25 July 1832.

ON the 14th February last I did myself the honour to acknowledge the receipt of a communication from Lord Howick, introducing Mr. Backhouse and Mr. George Washington Walker to my protection. I then intimated that I had requested those gentlemen to favour me with a Report of the result of the observations and inquiries which they were about to make into the condition of the convict population of this Island.

After having pursued their benevolent labours with much closeness of attention, among the convicts of Hobart, as well as in various parts of the interior, they proceeded in a government vessel to Macquarie Harbour, in order to extend their inquiries, and ascertain the real condition of the offenders at that secondary place of punishment. On their return, about a fortnight ago, they presented me with the accompanying Report; which I do myself the honour to transmit in original, thinking it would be satisfactory to the Secretary of State to derive information from a source which, it may be presumed, is wholly unbiassed.

23 July 1832.

Owing to the adverse gales which prevail at certain seasons on this coast, the voyage from Macquarie Harbour to Hobart Town is often stormy and tedious, occasionally occupying several months; so that it is deprived of that frequent communication with head quarters which is so desirable to overawe and control a Penal Settlement of that nature. I need scarcely say, therefore, that the satisfactory manner in which the instructions of the local Government are represented by Messrs. Backhouse and Walker to be carried into effect, at that distant station, has proved highly gratifying. One only circumstance in the course of their visit appears to have called forth any unfavourable comment from them; I mean, the abuse which has been made of the ration of spirits issued to the military and civil officers; and I so entirely agree with them in the condemnation of it, that I have taken the most immediate and effective means to put a stop to it.

Great

Great surprise was experienced both by Mr. Backhouse and Mr. Walker on discovering that transportation was a punishment in this Colony, they having been impressed, in common with most persons in England, with a contrary belief. As, however, I am aware that they are required to send home detailed Reports to their Committee upon the result of their inquiries, I earnestly hope that, through that medium, the unjust delusion which has so long prevailed, will at last, in some degree, be removed.

It were indeed to be wished that these gentlemen, whose candid and frank Reports will no doubt be much and deservedly relied upon, should reside long enough in the Colony to be impressed with the full extent of the severity with which transportation is felt as a punishment by the convicts. The unceasing pains, the toils and hardships, which one of that class will cheerfully undergo when any prospect of alleviation is held out to him, is only one of the many proofs how much he takes to heart the deprivation, and how earnestly he seeks the smallest prospect of relief. The only outlet he finds from the prison walls, as it were, of the bondage that preys so closely upon him, is through uniform conduct, and by a full abandonment of all his former evil courses; for if he does not abandon them, the cord of his misery is drawn still closer round him, by the natural gradations from one class of worse offenders to another, into which he falls.

My experience indeed daily more and more shows me how essential classification is to effect the ends of transportation, and my attention has therefore long been particularly devoted to render the scale as complete as possible; descending on the one hand from the least severe species of punishment, in the service of the settlers, by regular steps, through the usual public service, road-gangs, chain-gangs, the Penal Settlements of Port Arthur and Macquarie Harbour (a last alternation, next to capital punishment), and ascending on the other, by encouragement to reform, through the links of probationary service in the field police, and other descriptions of duty in the public service, distinguished by some mark of trust, or otherwise, by filling the place of overseers in the different gangs, by tickets of leave, conferring different degrees of liberty, by conditional, and lastly by absolute pardons. The facilities which this Colony affords in carrying these various gradations, commensurate with the conduct of the convicts, into effect, must, I think, in the eyes of His Majesty's Government, render it one of the best and most economical prisons, on a large scale, that could be devised.

It is with this view that I have for some time had it in contemplation to submit to the Secretary of State the propriety of carrying every sentence of transportation in England into immediate effect, either to this Colony or to that of New South Wales. If the real degree of punishment that transportation inflicts were more clearly understood, and if, when incurred, it was rigidly enforced, I conceive that the benefit to England, both in a moral and in an economical point of view, would be very great. The result of our experience here shows how difficult and hopeless the reform of those convicts is, who have already undergone several punishments by imprisonment or otherwise, and served, as it were, an apprenticeship of crime, compared with those who have been only once tried, and had the sentence of transportation promptly carried into effect.

It occurs to me, that if an experiment of this nature were adopted for only two or three years, a very sensible effect would be made upon the vicious in England, and a great national benefit would ensue. The man who has committed only one offence, and found himself suddenly transported to the remote and comparative solitary employment of a settler's assigned servant in Van Diemen's Land, it is natural to suppose will be much more likely to reform, and by his industry, cease to be a burthen to the nation, than he whose habits of vice have been confirmed by repeated contamination in different gaols, and congregated places of punishment in England. Unfortunately, in the latter case also, the progress of crime soon ceases to be confined to his own person; but the principle being once thoroughly broken down, he diligently seeks to make converts, and becomes an active propagator of his own criminal practices among the different classes of associates with whom he is thrown.

On the score of economy, the saving to the public expense, I conceive, would be equally gratifying. When it is considered how many of the convicts that now crowd the gaols and hulks, are undergoing their second, third, and even fourth punishments, we may conceive how effectually the prisons would be thinned, and the business of the criminal Courts diminished, by invariably cutting short their career, and carrying the sentence of transportation into effect in the *first* instance.

Independent also of the evil of contamination, that would be nipped as it were in the bud, we may reasonably anticipate no small benefit by the preventive cure and check to criminal propensities which a determined and rigid system would confer. With the exception of one receiving vessel for males and another for females, the whole of the present charge upon the Government, incident upon the establishment of the hulks, might then be dispensed with; and allowing that at the first commencement of the experiment, the number of transports would be materially increased, it would be but for a time, and in the end we might fairly anticipate that the average number of convict ships would be less even than at present. The expense of transporting them would not, I conclude, exceed the charge of maintaining them for only one year in England, with the additional benefit of getting rid of them as offenders altogether, and the ulterior ones of reformation and promoting the advancement of the Colonies. Here, the prison, if I may so call it, is already prepared for them, and very little extra expenditure would be incurred beyond some extension of the police, if even double or treble the present number of convicts were confined in it.

The view I have taken, extends of course to females as well as to males, for if at once transporting the latter, when convicted of a first offence, be attended with a salutary effect, in the case of what are perhaps too justly called unfortunate young females, it must be still more beneficial; for I believe it will generally be found that as the constitutional habits of young girls prevent them from those out-door exercises, and early opportunities for crime and vice which are open to boys of the lower orders until the principle of virtue is destroyed, so when they once give way, their fall is comparatively more sudden and dreadful. The immediate transportation therefore of all that class of unhappy young persons who may incur the sentence of the law, would, I am convinced, be at once a mercy to themselves and a relief to the mother country.

The system of congregating boys in the hulks at home is also, I am persuaded, attended with the very worst consequences. When they have gone such lengths as to subject themselves to the sentence of transportation, the only safe method to pursue with them is, I conceive, to carry it immediately into effect. Reform with them, by imprisonment in England, would be wholly out of the question; and it is a fact that all the most depraved characters who have suffered the last penalty of the law in this Colony, have been those who from their infancy had been trained to vice, by being at repeated times, inmates of different gaols in England. The surgeons superintendent invariably declare that they are the most difficult to manage, and the worst to keep under subjection during the voyage; and the best and only chance for their effectual correction appears to me, in the secluded and compulsory employment they meet with from the agricultural settler in the interior of the Colony; and although for a time they must comparatively prove a useless class here, still I look upon it, with reference to the mother country, that their removal at once upon the first conviction would be decidedly advantageous.

The suggestion which I have thus earnestly desired to bring under the consideration of the Secretary of State, from a revision of the present general system of punishment, combines the effect which it may be anticipated will result from the fact being distinctly and generally known, that transportation is a punishment of a very severe and corroding kind, and that it will *invariably* when once incurred, be carried into immediate effect. The experiment if tried, I think, would tend to cut short that contaminating influence which now so rapidly augments the class of criminal offenders, and it would hold out additional prospects of reformation to the miserable beings themselves; and lastly, it promises a considerable saving in the present general expenditure, whether defrayed by the counties in England, or by the Government; and it will have the additional recommendation of falling in with the present views of His Majesty's Government, with reference to emigration.

I have, &c.

(signed) *Geo. Arthur.*

P. S.—As the senior Chaplain of this Colony has collected very valuable and extensive information—first at Newgate, and subsequently for nine years in Van Diemen's Land, of the early habits and conduct of the criminals, from their confessions when under sentence of death, I have read to him, as well as to the principal Superintendent of Convicts and Inspector of Roads, who are both magistrates of the territory, and have the most intimate knowledge of the character of the

the convict population, the whole of this communication, and they assure me that they *fully* and *entirely* concur in the sentiments I have expressed.

Since my interview with these gentlemen this morning, I have received the accompanying Letter and Statement from the Chaplain, which bears so much upon the point that I cannot refrain from inclosing it for the Secretary of State's perusal. Such of the convicts as have been reformed, and have for a length of time been leading reputable lives, of whom I am happy to bear testimony, there are many have lamented over and over that their career of crime had not been cut short in their youth by an entire separation from their guilty associations in England; and indeed my attention was first drawn to the subject of this communication by the personal representations of those whose degraded experience enabled them to form the most accurate knowledge of the progress of crime amongst the lower class in Great Britain.

1 August 1832.

1st August 1832. (signed) *G. A.*

To Colonel *George Arthur*, Lieutenant-Governor of *Van Diemen's Land*, &c.

The REPORT of a Visit to the Penal Settlement of Macquarie Harbour, Van Diemen's Land, by *James Backhouse* and *George Washington Walker*.

BEING favoured by the kindness of the Lieutenant-Governor with a passage and rations on board the Government brig "Tamar," commanded by John Burn, we sailed from Hobart Town on the 10th of the 5th month (May) 1832, and were driven into Port Davy by a violent gale from the north-west on the 12th. Here we were detained by contrary winds till the 29th, when we again put to sea. We beat about through some tremendous storms until the 4th of the 6th month (June), when we entered Macquarie Harbour. We passed the dangerous bar, on which a heavy sea was rolling, in safety; the pilot, Charles Taw, showed great skill and firmness in conducting the vessel through this hazardous part of her course. We reached the settlement the same evening, and were received with the greatest kindness by the Commandant, Major Baylee, who gave us free access to the prisoners, and afforded us all the information we desired respecting the discipline and state of the establishment. He was so careful to promote our comfort as scarcely to give us an opportunity of forming an idea of the privations of the place, and the other officers of the settlement showed similar courtesy.

Macquarie Harbour did not present to us the desolate appearance we expected; the mountains on the east side of it are not nearly so barren as those of Port Davy, which are of white quartz rock that projects in great profusion above the thin soil and scanty herbage. In Macquarie Harbour this is the case only with the tops of the highest mountains; the herbage on their sides, which is coarse and deep, looks grassy from a distance, whilst the scrub in the gullies runs into deep wood of varied shape on the lower grounds; deep wood also clothes many of the hills. The prevalence of myrtle and other trees of dark foliage gives a very sombre appearance to the forests, which extend also over the low hills on the east side of the harbour. For about 10 miles towards Cape Sorell, usually called "The Heads," low sandy ground, covered in most places with short scrub, projects three-fourths of the way across the northern extremity of the harbour, and the land at the south end is grassy, with very low hills. Mountains of considerable elevation adorn the back ground of the scenery on the east, north-east, and south-east; the scrub in the gullies and many parts of the forest is imperviously thick and very deep; it comes so close to the water's edge as generally to render the shores of the harbour and tributary rivers impassable to persons on foot; in every direction it presents a most formidable barrier to persons attempting to pass through it.

Sarah's Island, on which the settlement is placed, has a strikingly verdant appearance; the little paddocks interspersed amongst the buildings, and lofty paled fences, which give the whole island a look of a fortified place, vie in verdure with English meadows. Macquarie Harbour is however gloomy in the eyes of a prisoner, from the privations he suffers in being restricted to salt provisions, condemned to hard labour, and shut out from the world, and in associations connected with the very name of the place. Major Baylee is a man possessing a large measure of the qualification requisite for the station he fills as commandant; firm but not

not austere, unostentatious in his manners and appearance, he commands the esteem and respect of all around him, both bond and free.

The average of corporal punishment does not appear to have been greatly diminished under his command, in comparison with that of his predecessor; though greatly so from what occurred under the earlier commandants. Of latter time flagellation has been seldom resorted to, but solitary confinement and bread and water, substituted in its stead, with evidently good effect. The period of solitary confinement has also frequently been shortened, on the appearance of contrition and promise of amendment of conduct. This kind of treatment has had a softening effect upon the prisoners; and from the evident reluctance of the commandant to inflict punishment, and his readiness to remit it on any reasonable ground, and the temperate appeal he makes to the conviction of the parties as to their desert of it on their trial, no ill will appears to be excited against him in the discharge of his duty. He goes about the Settlement unattended, with perfect confidence.

The general conduct of the prisoners is considered much improved; the commandant attributes this improvement to the encouragement afforded by so many prisoners having been removed from the Settlement, on account of good conduct, before the expiration of their sentence, and to the missionary labours exercised there, which through the divine blessing have been crowned with encouraging success in the sound reformation of a number of individuals, some of whom were formerly among the most daring and desperate, and in the general discouragement of vice. Several individuals who had awakened to a lively sense of their wickedness, by a variety of providential circumstances, were led to seek a change of heart, through the grace afforded to mankind through our Lord Jesus Christ, and encouraged to walk in the way of holiness, by the late missionary, Mr. Schofield. There were ten of this description, when we arrived at Macquarie Harbour; three of whom were among the prisoners returned to Hobart Town by the Tamar. The change in some of these men who have come under the power of the gospel, is striking to those around them, and was mentioned to us by the officers and others; their ferocity having given way to meekness, and their dislike of labour to industry. On conversing with them, they informed us that the change of heart they had undergone, had altered the face of the settlement in their eyes; it had ceased to wear the gloom by which it was formerly overcast; and two of them, to whom it had been so irksome as to induce them to attempt to escape, informed us they were now perfectly satisfied, and were thankful they had been sent there. Two who had been placed in the less laborious parts of the establishment, on account of their good conduct, had been allowed, at their own request, to return to their old employments: they told us they found their new situations more exposed to temptations, and they were less afraid of labour than of sin. One of these, now returned to Hobart Town, wished to have remained at Macquarie Harbour till the expiration of his sentence, in order to learn more completely the business of a shipwright, and made application to that effect; but as there was an order for his removal, the commandant did not think himself authorized to deviate from it.

In reference to the general improvement in the conduct of the prisoners, it is but justice to Major Baylee to state our conviction, that his discreet and humane conduct towards them, has greatly disarmed them of that desperation of character, which prevailed under a more rigorous discipline; and has helped to prepare the way for the usefulness of the missionary, to whose labours he has carefully given countenance, by attending the public assemblies for worship on the sabbath, by a frequent reference to the counsel of the missionary when expostulating with offenders, and by showing him friendship in personal association.—(*See* note at the conclusion.)

The whole of the prisoners are assembled in the workshop of the shipwrights at 10 o'clock on the morning of the Sabbath, for worship; the commandant, and some of the other officers frequently are present. At 3 o'clock the prayers and lessons of the church of England are read to such of the officers and military as wish to attend, in the soldiers' barrack-room, and an exhortation is addressed to them. At six in the evening there is a voluntary attendance of the prisoners and others, in the school-room at the Penitentiary, when they engage in singing and prayer, and a sermon is delivered. Another assembly of the same kind, meets in the same place on the evening of fourth day (Wednesday) at 6 o'clock. On the evening of sixth day (Friday) the missionary meets those who are become reformed characters, to ascertain how far they walk orderly, and to give them individual counsel. In the same room an adult school is kept three evenings in the week. Several of the pupils have made interesting progress in this school, which is chiefly conducted by a prisoner.

a prisoner, who likewise has the care of the day school for the children of the soldiers, in another building. His juvenile pupils, nine in number, also do credit to their teacher. The adult school is regularly superintended by the missionary or commandant's clerk, who takes much interest in it; the pupils are 20 in number, and with the exception of two or three, are voluntary attendants. The buildings on Sarah's Island are all of wood, except the gaol, penitentiary, and commissary's store, which are of stone and brick. The huts occupied by the felling-gangs, are of the humblest description; they are chiefly formed of boughs, and thatched with long grass. Disorderly persons are frequently sent to the felling-gangs, the work of which is the most laborious, and their privations the greatest.

Good order seems to prevail in the various departments of the establishment. The prisoners are kept closely to work at a variety of occupations, calculated to impart habits of industry, and to prepare them for supporting themselves honestly, when they may again be restored to freedom.

In some points Major Baylee has thought it of advantage a little to relax certain restrictions, which neither care nor punishment had succeeded previously in carrying into effect. These may require particular notice.

It was found impracticable, so long as tobacco was allowed to be brought to the Settlement for the use of the officers and military, entirely to prevent the prisoners obtaining it; and its being obtained in a contraband way, had a demoralizing effect. Flogging a prisoner for being found smoking, which it was difficult, if not impossible, to convince him was a crime, had a hardening tendency. The rewarding of a prisoner by a present of a piece of tobacco for any little service done after work-hours, or under other circumstances, has not therefore been discountenanced. All trafficking for tobacco, or other articles amongst the prisoners, is however strictly guarded against.

Rewards are sometimes given by the officers in spirits; and the mistaken idea which has so generally prevailed in the world with regard to the use of this pernicious article, has sometimes induced the humane commandant to dispense small allowances to his boat's crew and others. Instances of the pernicious effect of spirits have occurred in the Settlement. The allowance of this article as a part of the rations of the officers and military in Penal Settlements, deserves serious attention. Major Baylee says, it is the source of frequent misconduct among the soldiers; and it is obvious, that if the officers do not use it themselves, it will accumulate upon their hands, and the temptation to get clear of it by using it as rewards to servants and others will be stronger than is likely to be resisted while man continues to be man.

An attempt has been made, with some success, to allow of fishing and hunting as a reward for industry and good conduct. The work has been allotted weekly, and if the men have conducted themselves well, and finished it on the sixth day (Friday), the following day has been allowed them to fish: or, when they have been industrious, they have been suffered to depute one of their number as a huntsman, the others doing his work as well as their own. The huntsman digs pits in the track of the kangaroo; these pits, called kangaroo holes, he visits, to look for game, of which they make soup. The fixing of sharp stakes in these holes, to prevent the escape of the animals by impaling them, is forbidden, both on account of its cruelty and of the danger to any persons falling into them. The men sometimes kill wombats (which they term badgers), by surprising them whilst feeding early in the morning.

The men in these gangs complain much of the reduction of their allowance of meal from 1½ lb. to 1 lb. per day, when allowed 1 lb. potatoes; half a pound of meal making three quarters of a pound of bread, or nearly that quantity, which affords much more nutriment than a pound of potatoes. The use of this vegetable has reduced the prevalence of scurvy amongst the prisoners, and it is desirable they should have a suitable proportion included in their rations. It is probable an addition to their vegetable diet, without diminishing the present ration of meat and meal, would be attended with advantage. Some addition of this kind might easily be made, at a very trifling expense, by cultivating a part of the "farm" in cabbages, for the growth of which the climate is well adapted. For some time past the land at the farm has been suffered to lie waste; the wetness of its soil and the seasons rendering its potato crops of little value; and the situations of the felling-gangs being such as to permit them easily to visit this place, which they often did to steal potatoes, poor as they were.

The general health of the prisoners is good. There are seldom more than three of them in the hospital at a time. The average of deaths is small; not amounting to more than one in 35 per annum, including violent and accidental deaths, which are considerably more than one half of the whole number. The good health and small average of deaths, may reasonably be attributed to seclusion from strong drink, to spare diet, and hard labour in a mild though humid climate. But whether from the limited supply of food, or from being restricted to the use of salt meat, or some other cause, the surgeon says, that when they do become ill, the tone of constitution is so low that they are very difficult to recover. Only three cases of sudden death from natural causes have occurred at Macquarie Harbour since the formation of the settlement in 1822.

On inquiring whether the prisoners preferred working in the chain-gangs, in the settled parts of the country, or being sent to Macquarie Harbour, they generally stated a preference for the chain-gangs, on account of having fresh meat in them, and more easily obtaining tobacco; observing that, though not permitted when in chain-gangs to purchase tobacco, there were few who had not a friend that would now and then throw them a bit.

Several of the prisoners who returned to Hobart Town in the Tamar, had been first transported to Bermuda; but in consequence of a mutiny there in which they were implicated, were subsequently sent to Van Diemen's Land. They state that they prefer being transported to Bermuda, on account of having the rations fresh three days in the week, a large allowance of rum, viz. a gill daily, and an allowance of 6*d.* per week for present use, in addition to a shilling a week reserved for them till the expiration of their sentence, when they are returned to England at the expense of the Government.

The timber about Macquarie Harbour is very fine. Huon pine, the value of which in ship-building is too well known in the Colony to require further notice, abounds on the eastern side of the water. There is in all directions great abundance of celery-topped pine, well calculated for masts, and of myrtle, suitable for keels and other purposes requiring timber of large size and heavy quality. Light-wood, which affords good knee-timbers for ship-building, and furnishes beautifully feathered wood for furniture and veneering, is plentiful. There is a species of Leptospermum, known at the settlement by the name of the Forest Tea-tree, and much valued for fuel, which attains to considerable size; some crooked portions of the tree are finely veined, and adapted for fancy work. Other species of timber trees are met with in great plenty, known at the settlement by the names of Pink-wood, White-wood, Hard-wood, Stink-wood, &c. Some of the prisoners have manufactured very respectable hats from shavings of light-wood, and another species of acacia, called there Silver-wattle, but differing greatly from the tree so called in the eastern parts of the island. They have also manufactured hats from a broad-leaved grassy plant; first boiling and bleaching the leaves. The black substance which forms part of the stems of tree-ferns, two species of which abound at Macquarie Harbour, has been used in inlaying work (for reeding), for which purpose it appears equal, if not superior, to ebony.

The capacities of the country about Macquarie Harbour for cultivation do not appear to be great. The low grounds which extend southward toward Port Davy, are in many places so clear of wood that they might readily be ploughed; but the soil is peaty and wet. The natural herbage of the open places is coarse and unpromising for pasturage; but if a judgment may be formed from the present state of Sarah's Island, such land would, under proper cultivation, produce excellent grass and vegetables. The state of Philip's Island and of the pieces of ground cultivated by the pilot, warrant such an opinion. The condition of land such as that at the farm, might be greatly improved by draining and the application of lime, which is to be obtained up the Gordon River. In some places, the scrub and peaty surface of the land itself might be burned and the ashes used as manure with advantage, in attempts to bring it into cultivation. The best portions of land are probably the low hills covered thickly with timber and scrub. No attempt has been made to raise any kind of grain in the settlement; but the humidity of the climate does not promise success to this branch of agriculture. In most places on the main there is good water. Horned cattle would be likely to succeed at Macquarie Harbour, but its climate is not well adapted for sheep; the few that are kept on Sarah's Island do not thrive. Goats succeed better, but at one time nearly the whole stock of them died from some disease that attacked them. Pigs and poultry thrive well.

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We were seventeen days at the settlement, in the course of which we had many interesting opportunities of communicating moral and religious instruction. We also availed ourselves of many occasions for the furtherance of the same important objects with the prisoners, seamen and military, on our passage to and from the settlement of Macquarie Harbour.

Whilst the Tamar lay off Wellington Head, at the mouth of the Harbour, we were detained eighteen days by contrary winds; before recrossing the bar we visited the pilot's station, and observed with pleasure the improvements made there. The pilot, Charles Taw, with great labour, has constructed a jetty for the safe landing of the boats, and has built a shed to preserve them from the sun. He has also fixed a capstan, by means of which two men can draw up the boats, where it required the whole crew to do it before. He has effected these works by the assistance of the boats' crew: when they are not otherwise occupied, he employs these men in assisting him in the cultivation of some plots of ground on which he has grown potatoes, turnips and other vegetables, with great success; he uses kelp, which is cast up in great quantities on the south shore, as manure.

We observed traces of the Aborigines in several places about Port Davy, and the sea shore near the mouth of Macquarie Harbour. There were numerous places where they had had fires, about which the shells of mutton-fish, oysters, muscles, cray-fish, limpets and perriwinkles were scattered. Near Wellington Head there were the remains of some boats formed of strips of bark of the Swamp Tea-tree of Macquarie Harbour (*Melalenca decussata.*) We learned from the pilot that about three months ago he saw five of these, containing three or four persons each, inclusive of children, cross the Harbour from the northern shore. Each of them was drawn across by a man swimming on each side of the boat, holding it with one hand. He therefore concludes the number that visit that neighbourhood to be from 20 to 30. He says they are shy, but have not committed any outrage; that they exchanged a girl of about 14 for a dog! But the girl not appearing to like her situation, she was taken back to them, and the dog returned.

The attention of John Burn, the commander of the Tamar on this voyage, and of the Serjeant Donovan, and those under their command, to the security of the prisoners on the voyage, was very commendable. J. Burn sustained a very severe injury in his left arm, when fitting out the Adelaide at Macquarie Harbour, some months ago. His attention and skill in commanding the Tamar were such as to give us a high opinion of him as a prudent, trustworthy and efficient servant.

The wind becoming favourable, we recrossed the bar at the mouth of Macquarie Harbour, on the afternoon of the 9th of 7th mo. (July,) without striking upon it, and entered D'Entrecasteaux' Channel on the morning of the 11th. The wind then becoming adverse, prevented our reaching Sullivan's Cove before the morning of the 13th. There we were favoured to come safely to anchor by the mercy of that Providence who had preserved and blessed us during this protracted but deeply interesting voyage.

(signed) *James Backhouse,*
Geo. Washington Walker.

Hobart Town,
23/7 mo. (July) 1832.

Note to p. 10.

When the missionary at Macquarie Harbour observes signs of reformation in any of the prisoners, with the concurrence of the commandant, he removes them from amongst the others, and places them in the room used for the adult school, &c. The other prisoners are not at liberty to enter this room except to attend the school and for worship, or to confer with any of its inmates. Thus separated, they have the opportunity of spending their time of leisure in reading and meditation, without interruption; and there can be no doubt that this arrangement has greatly promoted the permanent reformation of a number of the prisoners.

(signed) *J. B.*
G. W. W.

Parsonage, Hobart Town,
Sir, 1 August 1832.

I BEG leave to forward to your Excellency the Statements made by the unfortunate lad "Thomson *alias* Nutt," to which you referred this day when I had the honour of seeing you.

It proves, I think, most strongly, the injury which arises to the community in England as well as to the unfortunate individuals themselves, from not separating them from their companions, as early as they are subjected to the punishment of transportation.

Such a practice would, I am convinced, benefit the mother country, save many individuals from destruction, and promote much moral improvement.

I have, &c.

(signed) *Wm Bedford*, Senior Chaplain.

Copy of the STATEMENT made by *George Thomson* alias *Nutt*, the evening preceding his execution. He was executed 17 May 1831, for a Burglary at Mr. Gregson's house in Restdour. Aged Twenty years.

"WHEN I was between eight and nine years old, I used to sleep with my mother, and wanting some money I put my hand in her pocket and stole 6*d.*; and as I was not discovered, a short time afterwards I stole something else, and from that time I was always pilfering. My father was very indulgent, and died when I was about 11 years of age. Soon after I ran away from school; I had frequently done so before. I went into the fields and saw some chickens; I stole two of them; a boy whom I had known upwards of two years, advised me to steal the fowls. I sold them to a man who lived in our neighbourhood, to whom my companion introduced me, for 3*s.*; he kept an old iron shop, and used to buy stolen things from boys. I gave my companion half the money; I was always stealing and mixing in bad company. When I was between 12 and 13 years old, I became acquainted with bad women. I was introduced to them by my companions. Shortly after I stole the fowls, I went with my companion to Clapham Common; we there stole six ducks, and sold them to the same man for about 9*s.* I used to tell my mother that I got the money by going to work. I was afterwards introduced to another companion by my first. One night we went, all three together for the purpose of shop-lifting; I was then not 12 years old. We went into a shop in the Kent Road, no person was in it; we stole a pair of scales and ran away, taking them down Kent-street in the Borough; a patrol met me named "Ruby" and took me into custody. I was sent to Horsemonger Gaol, and as no owner could be found, I was discharged. (I had told my sister, and she had paid the owner for the scales.) In less than a month after I was discharged, myself and one of my companions went to Epping Forest. We there stole two sheets and a table-cloth, which were hanging in the yard of a man's house; we had watched the servant out before we stole the things; he met us with a bundle; we were apprehended and tried at Chelmsford in 1823; we were confined 12 months in the house of correction. When we were discharged, we separated. I had partly lost the use of my leg in gaol, which hindered me for about a month or five weeks. When I recovered I went with two fresh companions to commit a burglary in Russel-street, Bermondsey. We got in by a window at the back part of the house, between eleven and one at night; it was a tailor's shop; we stole a great many articles of wearing apparel. We got clear away, and sold them to another man who kept an old iron shop. Three or four nights after that, I committed another burglary, with the same companions, in East-lane, Walworth; it was a grocer's shop; we entered there by boring holes in the window shutters; we took plate, money, tea, sugar, tobacco and a large looking-glass; we got clear away; we took them to the same iron shop. We staid in the house until nearly five in the morning, till the watch went off, which I suppose is the reason we were not apprehended. We eat and drank there until we were half intoxicated; we got between 5*l.* and 6*l.* for what we took there. About three or four nights after this, I committed a burglary with one of the same persons in a street in the Grange Road; it was a corn-factor's;

we

we entered by breaking through a shutter in the back parlour; we took the things to the same man; he lived in Bermondsey-street; I forget his name; he has removed from thence; we got between 12*l.* and 13*l.* for these things. By buying clothes suspicion was excited, and I was apprehended, examined and discharged for want of proof. Previous to my apprehension I committed a burglary in company with the same man in the Kent Road, in a private house. We took from there a quantity of plate, about 150 ounces, some wearing apparel and tea. We left about four o'clock in the morning. We sold these things to the same man. When I was discharged for the former robbery, I met with two other companions, (the name of one was "William Rice" who suffered at Newgate in July 1828, the other is alive, I do not wish to name him); we committed a burglary in the Grange Road; Rice would not go; we got in by wrenching off a bolt from the back-door; it was a private house; the gentleman's name was Porter; we took there a quantity of plate, wine, and Irish linen not made up. We got clear off; we sold that to the same person. Three or four nights after this, Rice joined us; we broke open a house in Grange-walk, (Mr. Hooper's, a tanner,) we there took a quantity of plate; we broke the plated articles to convince us they were not silver; we sold these things to the same man; we got about 20*l.* (I was now cohabiting with a female.) Within a week after this, we committed a burglary in the house of Mr. Woodward in the Kent Road, a private house; we there took some plate, about 150 ounces, a time-piece, and wearing apparel; we got clear off and sold the things to the same man. About three or four nights after this, myself and Rice committed a burglary in Prospect-place, near Dock-head; it was a captain's house. We there got only a little plate. We got clear off, and sold it to the same man. In the morning while at breakfast with the girl I lived with in London-street, Dock-head, I was apprehended for Mr. Woodward's robbery. I was confined in Horsemonger-lane three weeks, when I was discharged for want of proof. After this I met with another man and committed a burglary with him in East-lane, Walworth. We got a quantity of plate and escaped clear off. We sold this to another man, a Jew, in Petticoat-lane, Whitechapel. I do not wish to mention his name. About three or four nights after this, myself, with my last-mentioned companion, attempted to commit a burglary in the Kent Road, near the Green Man turnpike; we were apprehended in the yard between one and two in the morning; we had three months in the house of correction at Brixton. About two or three nights after we were liberated, we committed a burglary in a private house in the Kent Road, near the sign of the Duke of Clarence; we took a quantity of wearing apparel; we got clear off; we sold the things to the Jew for about 5*l.* About three or four nights after this, myself, my last companion, and another man, attempted to commit a burglary at Kensington Gravel Pits; we were apprehended near the house by the night police; we were confined three months for having implements of house-breaking in our possession, in the house of correction, Cold Bath Fields; when we were liberated, the first of my two companions separated from me. The second night after, my remaining companion and myself committed a burglary at Peckham, near Deptford; we took some plate and a watch; we were disturbed here; we sold these things to the Jew. About three or four nights after this, we committed a burglary in the Kent Road; we took a quantity of plate, which we sold to the Jew for about 20*l.* I committed five or six more burglaries with the same man, the particulars of which I do not recollect. About five or six weeks after I came out of the house of correction, myself and companion were taken in the Kent Road; my companion escaped. I was confined three months in Brixton, for having implements of house-breaking in my possession; I had a small crow-bar, a dark lantern, a small centre bit, a box, some false keys, and phosphorus box; I could carry them all out of sight. When I went into Brixton gaol, "Rice" was there, for having house-breaking implements in his possession; he was liberated eight or nine weeks before me, and while I was serving the remainder of my time, "Rice" had committed a burglary, and was obliged to fly for it. When I came out, I returned to my old place of residence. (When I was taken, it was generally away from home, and I never told where I lived.) On a Sunday night near Christmas 1827, "Rice" came to me in company with a different man. I committed a burglary in Surrey-square; we took some plate; my companion was a new hand and was frightened, so we left, and did not get much; we got clear off, and sold what we got to the same Jew. On the following night, "Rice" and myself committed a burglary at Woolwich; we took a quantity of plate and wearing apparel; we got clear off, and

sold these things, to another Jew in Petticoat-lane; we got nearly 50*l.* for them. Two nights after I committed a burglary with another man, in the Kent Road, near the sign of the Prince of Saxe Coburg; we took some plate, wearing apparel, and got clear off. The next night I committed a burglary, with two other men, in the New Road Bermondsey; I knew how to take pannels out of doors and windows now; the person's name was "Ewbank;" he was churchwarden of Bermondsey; we took some plate, a little money, wearing apparel, &c.; I opened the back door and went into the next house, through the window; there were no shutters; we took some plate, wearing apparel; we got clear off, and sold these things to the last Jew, for between 40*l.* and 50*l.* Four nights after this, which was the 27th December 1827, one of my former companions, named "Harper," with myself, committed a burglary in the Kent Road, near the sign of the Lord Wellington; we took some money, about 10*l.* some old gold and silver coins, and some plate; we got clear off; sold these things to the two Jews, half to each, for about 30*l.* About a week after, myself, "Harper," and my other companion, committed two burglaries in the New Kent Road; we got some plate in the first house, some wearing apparel; in the second house we got some plate and wearing apparel; we sold this to the former Jew for between 20*l.* and 30*l.* About four nights after this, myself, with the same companions, committed a burglary in Long-lane, Bermondsey, in the house of the Rev. Mr. Mann, chaplain to the gaol of Horsemonger-lane; we took some plate, and a cloak; we went to the next house, and broke in through a window; we got some plate from thence, but were disturbed; we sold these things to the first Jew for about 13*l.*; we were closely pursued, but got clear away. About a week after, myself and the same companions committed a burglary in the New Kent Road, near Deptford; we took plate and wearing apparel. About four nights after this, we committed another burglary in the Kent Road, near the County Terrace; we took about 100 oz. of plate and some wearing apparel; Harper and myself committed this last robbery; we got 4*s.* 6*d.* an ounce for the plate, that was the usual price. Soon after this I was taken up again, and was imprisoned in Brixton gaol, for having implements of house-breaking in my possession. When I was liberated, I committed a burglary about a fortnight afterwards, with one of my former companions, near Dandy's Turnpike, in the Lower Deptford Road; the name of the person who lived in the house was "Hesser;" we took a little plate and money, about 10*l.* About a week afterwards Harper and myself committed a burglary on Finsbury-pavement, near London-wall. Harper was taken there; I escaped, and got 15*l.* for what I brought away. Harper was executed for this robbery in 1828. I committed the robbery at Mr. Young's, Limehouse, was taken in the fact, convicted, and received sentence of death, and was afterwards transported for life. I have committed many robberies, which I do not recollect. I was always thieving. I do not think that I have stated more than three-fourths of the robberies I have committed. I am not quite certain as to the dates. I spent the money in drunkenness and debauchery of all kinds. I was much among prostitutes. The robbery for which I am about to suffer is the only one that I have committed in this Colony; Mr. Gregson's servant proposed the robbery to me, and I proposed the robbery to Newman; we were all concerned in it."

The above declaration was made to me by the unfortunate lad the night previous to his execution, and I took it from his declaration; at his own voluntary desire, he acknowledged to the truth of this statement in the presence of the keeper of the gaol, who signed the original papers. The prisoner also acknowledged committing many thefts, while he was confined in the gaol.

Wm Bedford,
Senior Chaplain, and Chaplain to the Gaol.

Parsonage, Hobart Town,
1st August 1832.

N.B.—About 34 burglaries, for which he got in money about 296*l.* 12*s.* 6*d.* besides other articles, and that, he states, was not more than three-fourths of his burglaries.

No. 3.

DESPATCH from *R. W. Hay*, Esquire, to Lieutenant-Governor *Arthur*, &c. &c. &c.

Sir, Downing-street, 21st March 1833.

I AM directed by Viscount Goderich to acquaint you that a reference having been made to the Home Office on that part of your Letter of the 25th July last, wherein you strongly urge the advantage, both to the Colony and to the convict, in a moral point of view, of carrying into immediate effect all sentences of transportation, and recommended the transportation of offenders, male and female, upon their first conviction; it appears from the reply, that Lord Melbourne has, of late, given orders for the transportation of convicts to a much greater extent than had been done before, and that under these orders many offenders have been transported upon their first convictions, in which course his Lordship is disposed to proceed as far as he could safely, and without inconvenience to this country.

I am, &c.

(signed) *R. W. Hay.*

No. 4.

DESPATCH from Mr. Secretary *Stanley* to Lieutenant-Governor *Arthur*, &c. &c. &c.

Sir, Downing-street, 26th August 1833.

I HAVE lately had under my consideration a Letter addressed by you to my Under-Secretary, dated 25th July 1832, containing the Report of a visit to Macquarie Harbour by Mr. James Backhouse and Mr. George Walker, and enclosing at the same time the statement and confession of a criminal, named Thompson, previously to his execution.

These papers, together with your Despatch of the 18th February 1832, have been perused with great interest by me and by all the Members of the Cabinet. Copies of them have been transmitted officially to the Home Office; the points to which you have particularly called the attention of the Government, connected with the discipline of the convicts belonging more properly to the consideration of that department than of this.

The penalties to which, from the information given by you, convicts would appear to be subjected on their arrival in Van Diemen's Land are not such as, according to the general impressions entertained in this country, await those under sentence of transportation; and the life which a few of the convicts are compelled to lead at Macquarie Harbour, and at other of the minor Penal Settlements, although it may be, as it undoubtedly is, one of a very irksome and painful description, produces, I fear, but little effect upon those of their companions in crime in this country, upon whom it is intended chiefly to operate, when they contemplate the lot of by far the greater number of prisoners who are assigned to the settlers, and the comparative ease and freedom from restraint which they then enjoy.

I am fully aware of the importance of convict labour to the prosperity of the Australian Provinces; and until a sufficient quantity of free labour shall have been introduced into them, those Colonies will suffer materially from any alteration in the system, but I have always entertained great doubts as to the efficacy of transportation, according to the principle of assignment which has hitherto been adopted, and that the present mode of dealing with convicts is liable to many objections.

To improve the present system of Secondary Punishment, either the species of rigid and solitary confinement practised in the United States of America should be resorted to, or the prisoner after conviction should be sent off at once to the place of his banishment. To build such prisons in this country as will be adapted to the reception of prisoners condemned to close confinement, would be an undertaking far too expensive to admit of the adoption of the first of the above alternatives; to which I would add, that unless solitary confinement upon the American plan should prove conducive to the reformation of the convict, much evil would result by his being let loose again upon the community, an evil which would not be experienced if he were sent away altogether from the kingdom.

The question of transportation having been thus decided upon, in preference to that of solitary confinement in prisons, or on board the hulks in this country, it becomes necessary next to consider with a view of giving all practicable effect to that description of punishment, First, how far it may be possible to remedy the inconvenience which you have pointed out as resulting from that part of the present system, by which prisoners sentenced to transportation are detained in the hulks, to the manifest extinction of every spark of good principle, which, though dormant, may be still existing within the breasts of many of them; Secondly, what measures can be adopted for imposing a heavier weight of punishment upon all those who are transported, whether by compulsory labour at the discretion of the Colonial Government previous to assignment, or by sending the more notorious offenders at once to the new Penal Settlements, or whether other means may be adopted with the best prospect of success.

In regard to the first point, I have to observe that as convicts cannot be sent out to the Australian Colonies, except under certain custody and in particular vessels, portions of those to be embarked, must remain in prisons at home until sufficient numbers shall be ready and can be collected to freight a vessel for their conveyance.

With respect to the treatment of prisoners after they shall have been transported, His Majesty's Government have determined to adopt the principle of subjecting them at once to different degrees of severity, according to the magnitude of their offences, and the notoriety of their previous course of life; and, as I am convinced, that no measures would be so effectual for removing the very erroneous notions which still exist in this country, that transportation is rather a boon and a benefit, than a state of suffering and punishment, such of the prisoners whom it may be found desirable to subject, after conviction, to a greater severity and restraint, will be apprized, when sentence is passed upon them in this country, of the degree of rigour which will be applied to them when they shall reach the place of their destination. His Majesty's Government therefore propose, that criminals of the most hardened character shall, in addition to their usual sentence of transportation beyond the seas, be subjected to confinement at Norfolk Island, or Macquarie Harbour, according to the discretion of His Majesty; and in the case of those whose crimes have been less enormous, and of whose repentance and reformation greater hopes may be entertained, severe labour on the roads in the chain-gangs should be imposed.

The minor class of offenders will be sentenced as before, without any other restrictions as to their subsequent discipline, than it has been usual to impose; the Governor being thus at liberty to distribute them throughout the Colony as assigned servants, according to the system which has hitherto prevailed. Excepting upon the grounds of economy, I cannot however see any reason why all newly arrived convicts should not, without exception, be sent to labour at the public works, and that any relaxation from this severe duty should be the result of perseverance in good conduct for a certain time.

It is not intended by these arrangements, to deprive you of the power which you possess in respect to the convicts generally, of mitigating the sentences of the particular class of offenders to which I am adverting; although greater restraints will be imposed upon you in the exercise of it. These restrictions will be as follows:—

1stly. That no prisoner who may have been sentenced in this country to transportation for life and confinement in Norfolk Island or Macquarie Harbour, as the case may be, or to any other Penal Settlement to which the respective Governors may

may think it proper to send the convict, shall be withdrawn from them until he shall have undergone at least seven years of his sentence; that he should then, if the Governor should deem him deserving of such mitigation, be transferred to the chain-gangs (performing the same hard-labour as the other convicts attached to these gangs), where a further probationary period of five years will be required of him, before his condition be further ameliorated by his assignment to a settler.

2dly. That no prisoner who may have been sentenced in the first instance to transportation for life and to the chain-gangs, should be eligible for any indulgence, until he shall have laboured in these gangs for seven years; the period which is prescribed in the case of the convicts who may be sentenced to Norfolk Island or Macquarie Harbour.

And generally, that in the possible case of transportation in the first or second degree, for fourteen or seven years, the Governor should not have the power of mitigating the sentence by removal to the next class until one-third of the period shall have expired.

I am aware that the capacity of the Penal Settlements at Norfolk Island and Macquarie Harbour for the reception of convicts is very limited, and that no great addition can be made to the number of those who are at present confined there without some augmentation of the military force by which they are guarded, as well as increase of expense. In the first instance, therefore, none but the worst description of criminals will be sentenced to that species of extra punishment; those however whom it may be deemed right to sentence to hard labour on the roads in the chain-gangs will not be so limited, the local government possessing greater facilities for the disposal of them.

I have only in conclusion to acquaint you, that with the view of carrying into effect the proposed measure, and of securing the application of that degree of rigour, according to the before-mentioned scale, which may appear to be suited to the circumstances of the case, His Majesty's Government will take care that information be duly transmitted to you as to the different classes of offenders, both with regard to the magnitude of their crimes and the degree of guilt which attaches to their respective characters.

I am, &c.

(signed) *E. G. Stanley.*

No. 5.

LETTER from *J. Lefevre*, Esq. to Lieutenant-Governor *Arthur*, &c. &c. &c.

Sir, Downing-street, 23d September 1833.

With reference to Mr. Stanley's Despatch of the 26th ultimo, relative to te classification of convicts who may in future be sent to the Australian Settlements, I am directed to transmit herewith a list of sixteen convicts, embarked in the ship "Southworth," for Van Diemen's Land, who from the nature of their offences and characters it is deemed advisable to place in the second class, viz. that of convicts working in chains; and I am to desire that you will take the necessary steps for disposing of these convicts on their arrival in the Colony, in the manner and under the restrictions proposed with respect to prisoners of the class before mentioned.

I am, &c.

(signed) *John Lefevre.*

No. 6.

EXTRACT of DESPATCH from Lieutenant-Governor *Arthur* to Viscount *Goderich*, &c. &c. &c.

Van Diemen's Land, 10th October 1832.

THE convicts under colonial sentence have been chiefly employed in the foregoing works, and the more desperate characters, working in chains, have been employed in forming the wharf at Sullivan's Cove and the causeway over the Derwant at Bridgewater under military guards. These men are kept in the strictest control, and there are not many escapes effected by them during the year. After some severe probation in these chain-gangs, the convicts are drafted off to the road parties, and although there are no doubt occasional acts of gross misconduct on the part of these people when they effect their escape, their general conduct and the advantage derived from their labour I think fully justify the measure of thus employing them rather than of incurring the unprofitable expense of removing them to distant Penal Settlements, or subjecting them to long periods of imprisonment in the gaols.

I contemplate, under this view, abandoning the Penal Settlement of Maria Island during the present year, and if it can be done with perfect security, I would next propose relinquishing Macquarie Harbour, retaining only the Penal Settlement on Tasman's Peninsula, where under judicious arrangements I have no reason to doubt that the prisoners may be kept in such security as to preclude any apprehension of their escaping, and the discipline at that settlement may be made equally efficient as the system pursued at Macquarie Harbour.

No. 7.

EXTRACT of DESPATCH from Mr. Secretary *Stanley* to Lieut.-Governor *Arthur*, &c. &c. &c.

Downing-street, 12 October 1833.

THE only other point adverted to in your Despatch on which it is my intention to make any remark is that connected with the Penal Settlement.

I approve of the measure which you have adopted for employing those convicts whom it has been customary to confine at the Penal Settlements, in working parties, under the inspection of adequate military guards, and thus meeting the views of the Commissioners of Colonial Inquiry, by diminishing the expense of these separate and distant establishments, whilst many objects of public utility are at the same time accomplished by the labour which such convicts are brought to bestow upon them. To meet, however, the views of His Majesty's Government, as explained in my Despatch of the 26th August last (No. 10), it will of course occur to you to be necessary to retain one of the three Penal Settlements mentioned in your Despatch, to which may be sent not only offenders convicted of atrocious crimes in the Colony, but those who may be sentenced in this country to that particular and distinct punishment. In carrying this arrangement into effect, it is wholly left to your discretion to determine which of them it may be desirable to maintain, pursuing your original intention of reducing the two others, which you may deem the least calculated, from considerations of insecurity and expense, for the reception of the class of prisoners to which I am alluding.

No. 8.

DESPATCH from Lieut.-Governor *Arthur* to Viscount *Goderich*, &c. &c. &c.

Van Diemen's Land, Government House,
My Lord, 8th February 1833.

I HAD the honour to receive by the "Georgiana" transport, on the 1st instant, a communication from Mr. Hay, transmitting the copy of a Report of the Select Committee of the House of Commons upon Secondary Punishments, and by your Lordship's desire, inviting my particular consideration of that part of the Report which relates to the state of the convicts in the Penal Settlements, and requesting that I would communicate to your Lordship any alterations which I might deem it expedient to make, with the view of ensuring the necessary punishment of convicts in these Colonies.

In obedience to your Lordship's commands, I have read the Report with the utmost attention, and a great part of the evidence on which it is founded.

Individuals possessing talent and opportunities for observation, who, after a residence in the Settlements, have returned to Great Britain, are so few in number, that I should imagine it to be almost impossible to conduct in England, successfully, any inquiry having for its object a development of the effects of transportation; while, therefore, this admirable Report contains so much general information of a most useful character, I think it may also be inferred from its contents that the Committee have not obtained those full details which would have enabled them to appreciate, in all its bearings, that part of the question referred to them which regards the result of removing criminals from New South Wales to Van Diemen's Land: indeed, from the very conflicting nature of the evidence, it seems to have been by no means easy to ascertain the precise management of the prisons, penitentiaries, and hulks, situated in London itself, or comparatively in its vicinity. When, therefore, it is considered that the Colonies are 16,000 miles distant, and that they are making the most rapid progress, not only in wealth and importance, but also in convict discipline, and that the Reports of individuals who may have been perhaps not more than two years absent, relate to a state of things which may not now have any existence, the difficulty of the investigation becomes so evident, that one cannot avoid expressing surprise at the general correctness of many of the views taken by the Committee, although it may be impossible to coincide with them in some of their principal deductions.

The little dread said to be entertained by certain classes of the crime-population, of transportation, with which the Committee appear to have been so much impressed, as to have founded upon it perhaps the most momentous of their recommendations, arises mainly out of the circumstance, that during General Macquarie's administration, the fact of having been transported was regarded by Government as an expiation of the crime of which the individual had been convicted in England, and the Governor was eager in every way to advance the convict's interests by granting an early emancipation, by facilitating his acquisition of wealth, and by urging his admission into the best society, whether civil or military.

The consequences of this benevolent but imprudent course of action were soon developed; the convicts regarded themselves as on a par with the free, and that class of emancipists sprung up into wealth and importance, who, of course, have taken great delight in making their good fortune known to their friends in England, and in dissipating by their representations any dread they might feel at being banished in the same manner with themselves.

In the commencement of the Colony of New South Wales, there was not that material for punishment which may now be commanded. The free population were few in number and of an inferior caste,—the country was not known,—the constabulary was imperfect,—the military force was insufficient,—the "control of power" and the influence of opinion were both wanting,—labour was of great value,—many public duties of great consequence were not even undertaken,—and above all, several offices of considerable importance were actually filled by convicts themselves; in truth, the Colonies were not in a state fit for the reception and control of convicts. No country before it is colonised can be so, and the Governor found it necessary to rule by indulgence rather than by a reasonable coercion.

These circumstances sufficiently account for the lax discipline which at one time obtained in New South Wales, and show very clearly how, without any one defect necessarily inherent in the system of transportation itself, great and unavoidable abuses may have obtained temporarily to such an extent, as to bring discredit upon it.

Van Diemen's Land fortunately had not made sufficient progress in the time of General Macquarie, to induce any of his protegées to settle here. It in fact did not exist as a colony until long after the Peace of 1814, since which time His Majesty's Government has been enabled to bestow more attention upon colonial questions, as well as upon matters of internal policy. Capital has been more difficult of investment in England, and persons of the middle order have emigrated, having been unable easily to find appropriate occupation at home.

These and similar causes, when taken in connexion with the comparative limitation of the land of the Island, securing for it a greater price and more minute subdivision, have given quite a different character to the Colony, and have kept the convicts within due restrictions.

The abuses, information of which has unfortunately reached the criminal population of England, have not existed to any extent in Van Diemen's Land since it began to rise into importance, neither do they now exist. The free occupy all the places of trust and emolument; the settlers possess that degree of wealth, and there is that respectability of appearance about their houses and establishments which are necessary to secure the respect of their servants, and to give stability to society.

In Van Diemen's Land the districts are smaller, and the population less scattered than in the wide-spreading territory of New South Wales. Hence few settlers in comparison are at any very inconvenient distance from the police magistrate, and thus (though more is required in this respect,) subordination is more perfectly ensured.

The convict is, by the Government regulations in this Colony, deprived of every improper indulgence; he is assigned generally to a settler in the interior, where he is employed in all the hardships of clearing and cultivating forest land; he is sufficiently fed and decently clothed, but he is allowed no wages; idleness and insolence of expression, or even of looks, any thing betraying the insurgent spirit, subjects him to the chain-gang, or the triangle, or to hard labour on the roads.

Deprived of liberty, exposed to all the caprice of the family to whose service he may happen to be assigned, and subject to the most summary laws, the condition of the convict in no respect differs from that of a slave, except that his master cannot apply corporal punishment by his own hands or those of his overseer, and has a property in him for a limited period only.

I am aware it has been argued, that transportation does not operate as a punishment, because the convict's situation is improved by being removed from a country in which labour is cheap, to one in which it is dear, from a country in which twelve hours' daily labour will scarcely procure wherewithal to satisfy hunger, to one in which indolence itself can obtain a sufficiency; but this opinion rests upon mistaken views.

The convict's observation and reasoning generally relate to his perceptions of present objects, and he compares his present condition with that of the freeman, or the ticket-of-leave man who is working with him in the same field, and he is in consequence haunted with a continual sense of degradation and a vehement desire to escape from it. Nothing compensates for the loss of liberty; and it has accordingly often happened, even when the convicts were under less perfect discipline than at present, when bush-rangers were out, and combinations existed, that these men would undergo the greatest hardship, and make great sacrifices in order to obtain a ticket of leave. While the convict in England, even under the most severe infliction which the laws of a civilized country will admit of, is, as appears by the evidence before the Committee, an object of envy to the lowest class, who know that however strict the discipline may be to which the criminal is subjected, it is yet such as not to injure his health, or to preclude his eating a sufficient quantity of wholesome food, and therefore cannot help comparing this with the miseries of his own situation and that of his family, who, after a hard day's toil in honest industry, cannot procure wherewithal either to be fed or to be clothed. But in Van Diemen's Land, the convict

convict may be well sheltered, well fed, and decently clothed, and yet be made to feel that his condition is wretched indeed, and degraded, compared with that of the free.

In England, while employment is so scarce that the operative must starve, though the convict is well taken care of, it cannot be but that under every restriction, every severity of discipline that ingenuity can contrive, or vigilance execute, the condition of the convict must present to the lower class that which they will be too apt to consider complete evidence of the inutility and folly of virtue, and the paramount advantage of vice. The very reverse of this, I submit, I have already shown to obtain in this Colony.

It has been asserted that the circumstance of offenders when receiving sentence of transportation, thanking the Judge for the boon they declared that he had conferred upon them, is a proof of the little terror now associated with the idea of transportation; but this is evidently a mere bravado, and instances might be recorded in Van Diemen's Land, in which individuals have affected to treat with indifference the order for their removal to Macquarie Harbour; whilst at the very same time other criminals were actually committing murder at that settlement in order to enjoy the excitement attendant upon being sent up to Hobart for trial, although aware that in the ordinary course they must be executed within a fortnight after arrival.

If it be said that criminals commit offences for the very purpose of being transported, the fact, to say the least, is exceedingly difficult of proof, and in most instances rests upon their own statements; but that they have made the most desperate attempts to escape from transportation, is undeniable; for they have been taken out of vessels in which they have lain cramped up and without food for many days, in the endurance of torture, until their limbs began to mortify.

If, my Lord, the evidence or conduct of particular individuals, can be relied on as proof of the efficiency or non-efficiency of transportation, I am sure that a strong case indeed could be made out in its favour. I might instance the rioters who arrived by the Eliza, several of whom died almost immediately from disease, induced apparently by despair. A great many of them went about dejected and stupified with care and grief, and their situation after assignment, was not for a long time much less unhappy.

It may be observed that it is admitted by all, that the country population have a great terror of transportation; but that the London thieves and others of that description, are the persons who dread it least, while they form the class it is most desirable to intimidate.

I have already submitted, my Lord, that the little dread of transportation entertained by the gentlemen-convicts and London thieves, is the result of advices sent by individuals in New South Wales, describing the condition of the convict as it was formerly, and not as it now is; and that therefore these persons may disregard it not because it is not in itself a severe punishment, but because they have received an account of it which is in a great measure without any foundation, in reference to the present.

Now it appears that farmers who have not received this false intelligence, fear it extremely; it is therefore quite reasonable to conclude, that as soon as the cause of the present disregard of transportation, if it really exist, is removed, the effect will be removed also; and the London thief as well as the farmer, will participate in that dread of involuntary expatriation which is common to all mankind, more particularly when it is associated with the expectation of slavery.

When the present condition of the convict is known in England (and the Act of His present Majesty, limiting the power of governors with respect to pardons and tickets of leave, if published, will tend to enlighten the public in regard to the views of His Majesty's Government respecting transportation), there can be little doubt that it will resume its terrors, and will be found as efficient a preventive of crime in the towns, as it is admitted by all to be even now in the country.

I beg however to observe, that I use this language comparatively, not absolutely. I do not imagine that any severity, that any discipline, that any system of punishment whatever, will deter men from crime merely through fear; and I believe that transportation is more desirable than any other mode of punishment, because, while it will be more dreaded than penitentiary imprisonment, it will at once relieve England of the depraved individual, and in a great majority of cases effect a reformation of his character.

It is quite evident to me, that the system of punishment in penitentiaries, and by more severe labour in the dock-yards, as recommended by the Committee, will be unavailable, however much it may be an improvement upon the system of imprisoning in the hulks, or in the ordinary gaols.

If the Committee are prepared to recommend, not only that the convict shall be worked in England as hard as those free men who now are employed at the most severe, and sometimes most unhealthy labour, for from 12 to 16 hours a day, and if, in addition to that, they will propose that they shall not receive either sufficient food or sufficient clothing, or sufficient shelter, then I shall admit that they have reduced the convict to a condition in which he would not be envied; but in which, as I collect from the evidence before the Committee, he would still be on a par with the free, or at least with hundreds of thousands of the free; but even were this done, and were such arrangements made that no criminal should ever leave the Penitentiary without carrying on his countenance the certain signs of misery and starvation within, still there would be no terror in imprisonment to that very class who are the most liable to be seduced into crime.

Feeling assured however that such a course never will be adopted in England, I can only express my conviction that it is impossible in the present state of the country to render the condition of any criminal, for whom the Government of the country may have engaged to supply necessary food and necessary shelter, other than one of envy, and probably of competition.

It is in vain, as it appears to me, to propose or to execute the most severe plan of discipline; it must stop short of the severity which would destroy health; it must even be such as to preserve the cheerfulness of the prisoner, for if he ceases to be cheerful and becomes gloomy, bad health is the almost necessary consequence.

Reformation can never be accomplished in the Penitentiary, or in the American prison; the maintenance of strict silence, and the mechanical adaptation of the prisoners' habits to certain regulations, constitute the whole scheme. This punishment does not operate by eliciting reflection, or by inducing a healthier activity of mind, or by diverting the attention from evil and directing it to that which is good, but by quenching the natural energy of the mind altogether. The use of that faculty by which it is principally kept in motion is denied, and the man sinks into the condition of an automaton, trained without an object in view, but to change its position or posture at the command of a keeper.

Yet even this is not a severe punishment, for the man's capacity for action soon adapts itself to the limitations by which he is surrounded; it does not change the bent of his inclinations, but only for a time diminishes their intensity, whether directed towards good or evil. Hence the severe class at the Penitentiary is so little dreaded, that men from motives of expediency request to be allowed to remain in it; and in America, the best informed have discovered that crime is not diminished by prison discipline, that their crime-population is increasing, and that transportation has in consequence become necessary.

Yet, my Lord, the Committee recommend this very discipline as the most effectual for the prevention of crime, though it appears that the prisoners themselves who have endured it are not improved in morals, but return again and again; how then can it be expected to influence others?

The Committee have recommended transportation to be carried into effect to a greater extent than ever, but they have advised also that a certain period should elapse between the sentence of transportation and the transportation itself.

Does not this necessity of transportation after imprisonment or hard labour in the dock-yards prove that these severities will not improve the convict's character, or make him a good citizen in England? in other words, will not deter him from again committing crime; and if these severities have not had any beneficial effect upon himself, what influence can they be expected to exert, through his intervention, upon others?

This intermediate punishment therefore will neither improve the criminal who suffers it nor those who merely witness its infliction; on the contrary, the effect of the whole, if put in execution (even upon the shewing of the Committee itself) will be little more than this—every convict who is sentenced to transportation will, before his departure, be fed and housed for from one to four years in such a way as to excite the envy of his countrymen, while he himself regards transportation as a remote contingency, and in the interim annoys his friends and the Government with

with incessant solicitations for a remission of that, the only severe part of his sentence; while neither his employment in the dock-yard, nor his discipline in the Penitentiary, will teach him the sort of labour he will have to perform in the Colonies; so that he will lose from one to four years of the most active part of his life.

I would observe that transportation to Van Diemen's Land possesses all the advantages and none of the disadvantages of home imprisonment. The prisoner on his arrival, even under the most favourable circumstances, is placed in a situation from which he sees every other class to be better off than himself; he is a slave, but while he feels deeply the degradation of slavery, he looks forward to its conclusion in the hope that he will then with ease be able to support himself with comfort by his labour.

Allow me, my Lord, before concluding this Despatch, to state to your Lordship that it is of the greatest consequence to keep in mind—first, that no such state of things exists in these Colonies, at least I can with confidence affirm it does not exist in Van Diemen's Land, as the Committee evidently, from the questions they have proposed to the evidences they have examined, and from certain observations they have given in their Report to the House, suppose;—and, secondly, that the account sometimes even yet sent home by convicts, to the effect that all is comfort and recreation here, are most untrue, and that their design in sending such accounts can be explained and exemplified in a manner the most satisfactory, which will prove to your Lordship that, in fact, it is the misery which the deprivation of their liberty imposes upon them that actually gives rise in very many instances to the misrepresentations received in England with such implicit credit.

Upon the convict system, as established by regulation in this Colony, promulgated by Government orders and notices to the public, and by instructions from time to time to the Commandants of the Penal Settlements and officers of the Government, and the improvement thereupon which I would suggest, I shall do myself the honour to enlarge in a future distinct Despatch, as it is quite impossible for me to go into that detail by the present opportunity; although I am desirous not to lose one single day in removing, so far as it is in my power, the effect of mis-statements and misapprehensions which may lead most unnecessarily to a very large expenditure of public money, if the recommendations of the Committee, founded thereon, are adopted by Parliament. If matters were conducted in the loose manner the Committee have believed, it would follow that the spirit of your Lordship's instructions, and the instructions of your Lordship's predecessors, have been disregarded by the Governors of these Colonies under circumstances which admit of few of the excuses that may be made by Governor Macquarie; and the individual who has now the honour to address your Lordship would have wasted the long period of nearly nine years, and seriously injured his health by unremitting application to purposes worse than useless. But, my Lord, in all the following points, I affirm distinctly the Committee, so far as Van Diemen's Land is concerned, have been misinformed.

First, It is in evidence before the Committee that on the first arrival of prisoners, little or no attention is paid to the service to which they are assigned.

The very reverse has been the case in Van Diemen's Land, from the day I entered upon the government to this time. On the arrival of any transport, the list of applicants for assigned servants has been gone over most cautiously, the character and *moral* conduct of each has been carefully considered; and although in doubtful cases the applicant has had the benefit of the doubt, (it would have been most unjust under such circumstances to have inflicted the injury of depriving a settler of servants) in no one instance has the Government permitted a convict to be placed in the hands of a master who it was not believed would take due care to employ, control and reform him; and if he has proved unworthy of the trust, the assignment has been revoked.

It is next observed that tickets of leave appear to be granted on too easy terms; and really from some of the evidence it might be imagined that they were promiscuously issued. My Lord, except for some special service rendered to the public in the apprehension of bush-rangers, and in giving valuable information to the police, which must be rewarded in every country, no ticket of leave has been granted in Van Diemen's Land until the convict has actually served *in the Colony* the period of four, six or eight years, according to the extent of his sentence; and even then it is only granted upon the convict's character being certified by his own master, by the police magistrate, and by the principal superintendent, who is

required to make such a brief abstract of every convict's case as involves his personal responsibility, before the Lieutenant Governor's assent or dissent is notified. I enclose the abstract for the last month, which will give your Lordship an idea of the labour bestowed in the consideration of every case, before indulgence is extended; and I should observe that the information was formerly *more detailed*, as the Colonial Secretary was also required to certify to the examination of every case; but that course was found to interfere with other duties, and was disused.

With regard to pardons, the Committee seem not to have known that an abstract of every case, distinctly pointing out the grounds on which emancipation is granted, is always transmitted to your Lordship's department; and the fact that His Majesty's gracious allowance has never been withheld, is a convincing proof that the power has been exercised with adequate caution.

There is evidence before the Committee, that in addition to ample food and clothing, the convicts receive wages at the rate of 10*l.* per annum! A stronger instance could not be adduced to show most strikingly the errors which may arise in giving and receiving evidence at such a distance; certainly when Commissioner Bigge reported upon the state of the Colonies, the sum of 10*l.* per annum was *nominally* allowed by the master to each servant, male and female; but for what purpose? to purchase clothing, which the master himself took care to provide, and to charge to his servant's debit. At that time every article supplied from England, was sold in the stores at a most enormous profit by the merchants, 200 per cent. at least. Neither male nor female servants could be well clad, including shoes, &c. at a less charge; and under the particular circumstances of that period, I have no doubt the usual allowance of 10*l.* was the most prudent arrangement to satisfy both master and servant. But in the year 1826, many additional stores were opened, and the competition which was thereby excited, led to a reduction in the price of clothing, and I availed myself of it to abolish the practice of allowing the 10*l.*; and, prohibiting the payment of any wages, fixed by regulation the clothing which should be given to every servant, which regulation was adopted by the Secretary of State, and has ever since been observed.

The Committee make some strong remarks upon the employment of convicts by the Government: they show justly the objections to the measure, but unfortunately no mention is made of the advantages, nay the necessity of it, as regards discipline; and they fall into an error which has been too much entertained upon the most groundless data, that the public works may be executed at a cheaper rate by contract than by Government. Upon this point, I have already largely addressed your Lordship in other Despatches, and I have the satisfaction to state that many of the advocates for the contract system, of whom there were several in the Colony, have, in consequence of the expense of the trials we have now been giving it, admitted their error, and are most fully convinced that it is alike opposed to the discipline of the convicts and to public economy.

In connection with this subject, the Committee remark upon the injurious practice of allowing any portion of the Government convicts to sleep out of the barracks, and to provide themselves with lodgings. I entirely concur in their opinion, and have acted upon the conviction for several years. None but convicts of good character, or married men, whose wives had been permitted by the Government to come to the Colony, or, in some instances, whose wives had been sent out by the aid of some benevolent persons in England, are permitted to sleep out of barracks; and the best evidence that can be adduced of the caution which is used in allowing convicts to sleep out of barracks, is the fact that burglaries in Hobart Town, are less frequent than in any town containing the same population in England.

Under this head, I trust I have sufficiently dilated, to satisfy your Lordship that there is not a single recommendation brought forward by the Committee, which has not long since been anticipated in Van Diemen's Land, except their proposition of making *all* assignments at first in the rural districts; which however desirable in some respects, is a measure not to be accomplished without such violence to public convenience and to public utility, as would render any such attempt on the part of the Government inoperative; but which has been for several years carried into effect *to a great extent*, in obedience to commands long since conveyed from your Lordship's department.

The suggestion of the Committee also, to provide separate cells for the convicts in the penitentiary, has not yet been attempted, on account of the expense which would necessarily be incurred; and I must submit to your Lordship that a new gaol in Hobart

Hobart Town, and in the interior, with cells, is far more necessary to be first erected; and having long since had authority to construct such buildings, I have only deferred the undertaking on account of other wants which have been still more pressing.

Under the influence of the measures which I have described to be in operation, I am in the next place to explain to your Lordship how it happens that delusive accounts of enjoyment are occasionally even yet sent to England. The class of convicts, familiarly called "gentlemen-convicts," or "specials," have never been disposed of as they ought to have been. The necessity of employing them, from the want of other writers, both by the Government, the merchants and the settlers, and the apparent economy in so doing, have no doubt opened out for *them some* grounds for making favourable reports to their friends at home. Your Lordship will have perceived during the last two or three years, that as the revenue of the Colony has improved, we have been gradually bringing free young men into the public offices; and the period has now arrived, when I consider, that with a very few exceptions, the service of convict writers should be wholly discontinued, either in the service of the Government or settlers; and every one of them who is guilty of misconduct from this period shall be removed; in anticipation of your Lordship's commands, to the Penal Settlement on Tasman's Peninsula, a penitentiary formed by nature, to which His Majesty's Government will perhaps consign all this class of convicts henceforth, rather than coop them up in dock-yards in England.

Again, another class of convicts have sent home the most exaggerated statements, and the most distressing and painful consequences are the result, by almost every vessel. An instance has occurred within the last week, which I shall beg to recite:—

On Saturday last, a poor woman named Sarah Lithgoe, from Toxteth Park, Liverpool, waited upon me with her four children; she described herself to have just arrived in the "Clyde" from England; she states that her husband, who had been transported about two years, had written to her to come out, describing that he was in an excellent place, that he had abundance of food and clothing, with 60*l.* a-year wages!! so that if she could only get any kind friends to assist her in providing the passage, they should once more be happy and comfortable together. The poor deluded woman, who appeared a very decent person, described to me that she strove in every way to raise means necessary to rejoin her husband, although she was at that time able to gain a livelihood at home. On her arrival, in very bad health, she found to her dismay her husband assigned to the Van Diemen's Land Company, working at Circular Head, without the slightest means of contributing to her support. She produced her husband's letter to me in confirmation of her statement. Now, the object of this selfish being (and many others act upon no better feeling) has not been the relief of his wife and children, but he has hoped, by moving the sympathies of the Colonial Government, to be allowed some earlier remission of his sentence, on the plea of providing for his family. It never entered this poor woman's mind, nor suggested itself to the numerous respectable persons whose benevolence she solicited, that if her husband were really getting 60*l.* a-year, he could readily have sent home the means for defraying the expense of her passage; but she came out in the full expectation of comfort, assisted by the minister of her parish and the magistrate, who perhaps committed her husband, whilst no doubt they may have deeply deplored that condemned criminals were placed in such enviable circumstances!

By an early opportunity, and if possible by the "Princess Royal," which will sail in a few days, I shall do myself the honour to follow up the observations I have now made, by respectfully submitting for your Lordship's consideration such suggestions as I think conducive to the improvement of convict discipline in this Colony; for although I have endeavoured to defend it against erroneous statements, I am most willing to concede that it may be beneficially modified.

I have, &c.

(signed) *Geo. Arthur.*

RETURN of APPLICATIONS made by the PRINCIPAL SUPERINTENDENT of CONVICTS for TICKETS of LEAVE, for the Month ending 30th November 1832.

Number of Memorial.	Police Number.	WHEN and WHERE TRIED.	Sentence.	BY WHOM RECOMMENDED.	HOW EMPLOYED.	PRINCIPAL SUPERINTENDENT'S REMARKS.	EXTRACT FROM POLICE RECORDS.	LIEUTENANT GOVERNOR'S DECISION.
624	201	Gloucester, 31 March 1824.	Life.	W. Bryan, Esq.	W. Bryan, Esq.	- - It is not true that this man was returned to the service of the Government in consequence of his master ill-using him, as he states, but in consequence of his absconding, which I look upon to be a serious offence; I therefore cannot recommend him. (signed) *J. S.*	- - *Transported for burglary: Gaol Report, "an old offender;" "disorderly." — Hulk Report, "orderly." Stated this offence, housebreaking. Once in custody for an assault, fined 2s. 6d.; in the City Gaol Lock-up-house.* December 27, 1828 (T. Rieby): Stealing two sheep, the property of his master, dismissed. May 30, 1830 (T. Rieby): Absconding from his master's premises on the 10th, and illegally at large until the 12th inst., 50 lashes.	Refused. (signed) *G. A.*
625	215	York, 20 March 1824.	Life.	Mr. A. McPherson, W. A. Bethune, Esq. Mr. T. F. Mazetti.	Mr. A. McPherson.	Has not been the regulated period. (signed) *J. S.*	- - *Transported for burglary: Gaol Report, "behaved well in gaol." — Hulk Report, "orderly." Stated this offence, burglary. Fined 5l. for poaching, imprisoned three months.* September 11, 1827 (J. Gordon): Absent without leave; 50 lashes, and three months chain gang.	Refused. (signed) *G. A.*
626	244	York, 2 August 1826	7	Capt. Glover.	Capt. Glover.	- - Has served the regulated period with one master, by whom he is certified, having only one offence. I recommend. (signed) *J. S.*	- - *Transported for stealing money in a dwelling-house: Gaol Report, third conviction, "bad character." — Hulk Report, "orderly." Stated this offence, stealing money in a dwelling-house. Once for a butcher's steel; not tried, only in custody. Once for breaking into a pigeon-house; served three weeks in Wakefield House of Correction; three months again for breaking into a shop.* November 3, 1828 (W. H. Glover): Disobedience of orders; 25 lashes, and returned to his master.	Approved. This man's case should have been earlier brought under consideration according to regulations; but as his character at home was very bad, he has fully merited the servitude he has undergone. (signed) *G. A.*
627	470	Northampton, 3 March 1821.	Life.	R. P. Stewart, Esq.	R. P. Stewart, Esq.	- - This man would have had his T. L. before now, as by the memorandum given in September 1830, had he not have committed an offence since that period; but as he has been a long time in the Colony, I recommend on the King's birth-day. (signed) *J. S.*	- - July 12, 1825: Neglect of duty; fined 20s. October 26, 1825: Neglect of duty; charge dismissed. August 30, 1826: Neglect of duty, and insolence to Mr. Gough the gaoler; to forfeit one half his quarter's salary. February 2, 1827: Constantly suffering prisoners to escape from the gaol at Lancaster; ordered to be sent to the Penitentiary. November 10, 1830 (R. P. Stewart, Esq.): With having, on the 3d November inst., forcibly rescued 11 head of cattle, the property of the said R. P. Stewart, from the custody of John Young while on their way to the pound; ordered to pay a penalty of 2l. July 12, 1831 (R. P. Stewart): Having violently assaulted William Bush; three months' imprisonment and hard labour.	- - Although this man has been 11 years in the Colony, I have no dependence on his being a reformed character, but a trial may be given him on the next celebration of the King's birth-day, as recommended by the principal superintendent. (signed) *G. A.*

628	527	Warwick, 31 March 1821.	14	Mr. F. Cotton.	-- Special duty on the interior under Mr. Alex. McGeary.	-- Has only about two years of his sentence to serve, and has been in a very bad service; he appears, by the certificate annexed, to have done some good by marking out a new line of road at Spring Bay; I therefore recommend. (signed) *J. S.*	-- November 24, 1822: Disorderly in the convicts' barracks; 50 lashes, and be confined in a cell 14 nights. April 25, 1825: Absent from his gang without leave; returned to P. B., no prosecutor. May 10, 1826: Absenting himself from his work without leave; 50 lashes, and sent to P. B. till Mr. Harte returns to Swan Port. February 21, 1828: Stealing three shirts, the property of his fellow prisoner; 50 lashes. July 14, 1828: Theft; 25 lashes. August 28, 1832 (Harte): Disobedience of orders, and turbulent conduct; admonished. Oct. 22, 1832 (Harte): Absent from his service without permission; not guilty. November 16, 1831 (Sup. Court): discharged by proclamation. 8th January 7, 1833. (signed) *Thos. Mason.*	Approved. I observe the principal superintendent states this man has been in very bad service; of course the master will not have another servant. (signed) *G. A.*

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(continued.)

To His Excellency the Lieutenant-Governor, &c. &c. &c.

THE humble MEMORIAL of *William Bradford*, a "Prisoner of the Crown."

Humbly Sheweth,—THAT your Excellency's Memorialist was tried at Warwick in the month of March 1821, and arrived in this Colony, per the ship *Phœnix* 1st, No. 527, in May 1822, under a sentence of transportation for fourteen years:

THAT, upon his arrival in the Colony, your Excellency's Memorialist was assigned to the service of the late Mr. Lakeland, with whom he remained about seven months, when he was "transferred to the service of his present master, Mr. Harte, of Great Swan Port, settler:"

THAT, in the month of November 1827, your Excellency's Memorialist had the misfortune to be sent to Maria Island for twelve months, and after having been there some time, and Mr. Harte having in the interim obtained proofs of his innocence of the offence for which he was sent there, and upon the application of Mr. Harte thereupon, your Excellency's Memorialist was restored to Mr. Harte's service, and in which he has continued to the present period:

THAT, in the month of April or May last, your Excellency's Memorialist was applied to by Mr. Cotton, of Great Swan Port, to mark out a new road with which he was acquainted from Lieutenant Hawkins, Little Swan Port, to "Spring Bay," Mr. Cotton and Captain Maclaine having jointly been promised by your Excellency that, upon their procuring a prisoner of the Crown of approved character, who could mark out such new road, your Excellency would grant him the indulgence of a Ticket of Leave for the same:

THAT your Excellency's Memorialist, in compliance with Mr. Cotton's application, and in the humble hope of the promised reward, marked out the said road accordingly, and by which a saving of at least "six miles" is obtained, and which new road is now the adopted public road by all that are acquainted with it:

THAT, in consequence of this considered public service rendered by your Excellency's Memorialist, together with the subjoined Certificate of the fact, as also of his having served between eleven and twelve years of his unfortunate sentence of fourteen, he has felt emboldened thus humbly to bring himself under the honour of your Excellency's consideration ostensibly, to respectfully solicit of your Excellency the promised gracious indulgence of a Ticket of Leave as a reward for the herein stated rendered service.

And, for which said indulgence your Excellency's Memorialist, as in duty bound, will ever pray, &c. &c. &c.

November 1832.

I HAVE the honour to state, that William Bradford, in my presence, marked out a line of road between Lieutenant Hawkins and Spring Bay, effecting a saving in the distance usually travelled between those places of about six miles.

To His Excellency Colonel Arthur. I have the honour to be, your Excellency's most obedient humble Servant,

Francis Cotton.

Police-office, Waterloo Point, 15th November 1832.

THE Memorialist was tried on the 28th August 1832, charged by his master, Mr. Harte, with disobedience of orders and turbulent conduct; when, in consequence of its being the first time that he had been brought before me, and the good character given him by Mr. Harte, he was admonished and discharged.

The Memorialist was tried on the 22d of October 1832, charged by his master, Mr. Harte, with absenting himself from his service without permission; verdict, not guilty.

Jr Aubin.

RETURN of APPLICATIONS made by the Principal Superintendent of Convicts for Tickets of Leave, for the Month ending 30th November 1832—*continued*.

Number of Memorial	Police Number.	WHEN and WHERE TRIED.	Sentence.	BY WHOM RECOMMENDED.	HOW EMPLOYED.	PRINCIPAL SUPERINTENDENT'S REMARKS.	EXTRACT FROM POLICE RECORDS.	LIEUTENANT GOVERNOR'S DECISION.
629	548	Bucks, 9 March 1822.	Life	T. Pitcairn, Esq. Mr. John Furlong, M. L. Smith, Esq.	Loan Gang, sawyer.	-- Much suspicion has always been attached against this man; I cannot recommend. (signed) *J. S.*	-- *Transported for burglary: Gaol Report, "none."—Hulk Report, "none." Conduct on board Caledonia, "orderly." Confessed tried for horse-stealing, and acquitted before "this."* September 30, 1825: Being out after hours, and found in a disorderly house, between eight and nine o'clock last night; reported. April 24, 1827: Committed for trial for stealing 28 cray fish, value 14*s.*, and one skeate, value 2*s.* 6*d.*, of Harman Williamson. May 15, 1827 (Superior Court): Stealing cray fish, not guilty. February 8, 1828 (Crown): Suspicion of stealing sheep; committed. March 14, 1828 (Superior Court): Accessary before the fact of stealing a sheep; not guilty. July 21, 1828 (P. B.): Being intoxicated in the P. B. on Saturday night last; chain-gang, one month.	Refused. (signed) *G. A.*
630	681	Chester, April 1823.	Life	Mr. Peter Brewer	Mr. Peter Brewer	I cannot recommend. (signed) *J. S.*	-- *Transported for highway robbery? Gaol Report, "bad."—Hulk Report, "orderly." Stated, tried once for an assault; served three months at Knutsford; tried before that "for fighting."* July 24, 1826: Out after hours Sunday night; 50 lashes. January 12, 1827 (P. W.): Absent at the muster this morning; returned to P. B. January 16, 1829 (Watchman): Drunk and disorderly in his master's house last night; reprimanded. September 14, 1829 (Watchorn): Drunkenness and insolence to his master; 5 days tread-wheel, and returned to his master. February 1, 1831 (Watchorn): Absenting himself from his master's service without leave for five hours; tread-wheel 21 days, and recommended to be assigned in the interior, it appearing he was connected with bad characters.	Refused. (signed) *G. A.*
631	728	Middlesex, June 1823.	Life	Mr. A. Gatenby	Mr. A. Gatenby	-- Has served the regulated period; from his general character, I recommend on the Queen's birth-day. (signed) *J. S.*	-- *Transported for felony: Gaol Report, "here before; behaved well."—Hulk Report, "indifferent." Stated this offence, privately stealing in a dwelling-house; once in custody in Newgate for stockings.* September 2, 1824: Neglect of duty Tuesday last; 25 lashes. June 11, 1825: Absenting himself from his master's premises on Sunday night last, and remaining absent till Monday morning, and insolence to his master on the Friday previous; 25 lashes, and 2d class, P. B. March 12, 1831 (Gatenby): Insolence, and shooting one of his master's dogs; 50 lashes, remitted.	A ticket; approved on the Queen's birth-day. (signed) *G. A.*
632	805	Wigan, April 1824.	14	Mr. G. Eagle, B. Horne, Esq. J. Simpson, Esq.	Field Police, Campbell Town.	-- It was an indulgence to this man to be allowed to go in the police, and as the chief police magistrate says nothing in his favour, I cannot recommend. (signed) *J. S.* Only 2½ years in the police.	-- *Transported for stealing cloth and money: Gaol Report, "a well-known character;" "orderly"—Hulk Report, "orderly." Stated this offence, house-breaking.* May 17, 1825: Not entering his place of abode with chief constable, and not sleeping under the roof of Australian Company; reprimanded. October 25, 1825: Neglect of duty; returned to P. W., Mr. Gage not appearing, and having been three days in the watch-house. April 13, 1829 (Lieut. Simmons): Extreme insolence to his master on Saturday last; 25 lashes, tread-wheel ten days, and returned to P. W.	Refused. (signed) *G. A.*

733	898	Essex, December 1825.	14	Mr. J. Robertson	Mr. J. Robertson	Has served the regulated period without offence; I recommend. (signed) *J. S.*	-- *Transported for stealing spoons, in a dwelling-house: Gaol Report, "reported to the committing magistrate as being a reputed thief."—Hulk Report, "good." Stated this offence, stealing spoons.* Hath no offences on record.	A ticket; approved. (signed) *G. A.*
634	999	London, 5 April 1827.	Life.	Mr. N. Elliot	Mr. N. Elliot	-- Has not served the regulated period; but he lays some claim, in consequence of his having guarded some Aborigines; but from its trifling nature, I cannot recommend. (signed) *J. S.*	-- *Transported for stealing in a dwelling-house: Gaoler's Report, "orderly;" at Hulks, "orderly." Confessed this offence, house-breaking, "I stole a diamond ring."* Hath no offence recorded.	-- There seems nothing to recommend his case out of the usual course; refused. (signed) *G. A.*
635	1103	Gloucester, April 1828.	7	E. Bryant, Esq.	E. Bryant, Esq.	-- Has served the regulated period, with one offence only, certified by his master; I recommend on the Queen's birth-day. (signed) *J. S.*	-- *Transported for stealing a watch: Gaol Report, "worst description of character, and also in custody before."—Hulk Report, "orderly." Stated this offence, stealing a watch from a man; once acquitted for an assault.* September 15, 1831 (Bryant): Drunk and disorderly; 10 days' solitary confinment on B. & W.	Approved on the Queen's birth-day. (signed) *G. A.*
636	1130	Middlesex, September 1827.	7	Mr. B. Walford	Mr. B. Walford	I cannot recommend - - (signed) *J. S.*	-- *Transported for stealing three saddles: Gaol Report, "here before."—Hulk Report, "orderly." Stated this offence, stealing three saddles; once held for bail; three days in custody.* April 14, 1829 (W. Gorell): Repeated insolence to his mistress, particularly yesterday, and using blasphemous language and other improper conduct in his master's house repeatedly; three months chain-gang, and placed in P. W. in the interior. September 27, 1830 (Meredith): Being out shooting on Sunday night the 26th September instant, between the hours of seven and eight o'clock. As it appeared the prisoner had lost himself, he is discharged. November 27, 1830 (Meredith): Disobedience of orders, insolence, and other disrespectful conduct to his master; three months chain-gang, Oatlands, and returned to his master. November 16, 1831 (Meredith): Insolence to his overseer; admitted, and discharged.	Refused. (signed) *G. A.*
637	1161	York, July 1828.	7	Mr. David Taylor	Mr. David Taylor	Has not yet served the regulated period. (signed) *J. S.*	-- *Transported for stealing wearing apparel: Gaol Report, "committed before, bad character."—Hulk Report, "orderly." Stated this offence, stealing wearing apparel; six months for sheep nets, served at Beverley.* Hath no offence on record. 8th January 1833. (signed) *Thos. Mason.*	Refused. (signed) *G. A.*

RETURN of APPLICATIONS made by the Principal Superintendent of Convicts for Tickets of Leave, for the Month ending 30th November 1832—*continued.*

Number of Memorial.	Police Number.	WHEN and WHERE TRIED.	Sentence.	BY WHOM RECOMMENDED.	HOW EMPLOYED.	PRINCIPAL SUPERINTENDENT'S REMARKS.	EXTRACT FROM POLICE RECORDS.	LIEUTENANT GOVERNOR'S DECISION.
638	122	Middlesex, April 1827.	Life	Mr. John McRae, Mr. B. McKenzie	With her husband	Is already married to a free man. I cannot recommend. (signed) *J. S.*	-- *Transported for stealing from the person: Gaol Report, "a prostitute." Stated this offence, stealing a broach from the person; behaved very bad on board.* November 24, 1827: Repeated acts of disobedience of orders, with violent and disorderly conduct on board the Sovereign, on the passage out to V. D. L., in defiance of the repeated warnings of surgeon superintendent; to be confined in a cell 14 days on bread and water; to have her hair cut off and removed to the factory at George Town, there to be kept to hard labour for twelve months from the date of her arrival. May 30, 1828 (Factory): Creating a disturbance and fighting in the factory yesterday morning; to be confined in a cell 48 hours. December 17, 1829 (Ux. Jackson): Felony; fully committed for trial. April 20, 1830 (Sup. Court): Discharged by proclamation. October 21, 1830 (Wife of Jackson): Out after hours last night at a public-house; to be returned to the service of the Crown, and recommended to be assigned in the interior. May 31, 1831 (McKenzie): Being illegally at large from the 27th to the 30th instant; six months crime class, house of correction.	Refused. (signed) *G. A.*
639	131	Old Bailey, September 1827.	14	Lieut Gunn	With her husband, James Cooper.	-- Bears a very fair character, and resides with her husband up the country. I recommend. (signed) *J. S.*	-- *Transported for stealing from the person: Gaol Report, "a prostitute." Stated this offence, stealing from the person, a watch and some money.* November 20, 1828 (Toorney): Found in company with one Cooper, at Mr. Robinson's public-house, between nine and ten o'clock last night; discharged.	In this case I do not see the benefit of a ticket, but Approved. (signed) *G. A.*
640	102	Middlesex, April 1827.	7	Mr. J. C. Frith, Mr. John Cooper.	Mr. John Cooper	I cannot recommend. (signed) *J. S.*	-- *Transported for larceny: Gaol Report, "conduct orderly." Stated this offence, stealing a pewter-pot.* August 30, 1828 (Mrs. Gregory): Absconding from the service of her mistress; forwarded to Mr. Lakeland. September 11, 1828 (Mrs. Gregory): Absconding from her service on the 27th August, and remaining absent until apprehended by constable Carter on Saturday morning last, at the T. T. Brush, in company with a man named Thos. Hartley; cell, on bread and water 14 days, and placed in crime class four months. June 30, 1829 (Corporal McGowry): Absent from her master's premises yesterday and on Saturday last without leave; cell, on bread and water six days, and C. class house of correction. April 24, 1832 (Cooper): Absent from her service, and remaining out the whole of the night; placed in the second class. August 28, 1832 (Shadlock): Absent from her service without leave, and remaining out the whole of the night; to be placed in the second class for two months.	Refused. (signed) *G. A.*

641	146	Old Bailey, September 1827.	7	J. K. Gray, Esq.	J. K. Gray, Esq.	I cannot recommend. (signed) *J. S.*	- - *Transported for larceny: Gaol Report, "a prostitute." Stated this offence, stealing 4l. 18s., from the person.* December 22, 1828 (Goodwin): Found in the streets in an unreasonable hour at night, in a state of intoxication, in company with her master and mistress, her mistress being at the time intoxicated; also, having a white hat in her possession; returned to the factory assignment class. January 27, 1829 (Cleburne): Drunk and disorderly in the streets between 10 and 11 o'clock last night; cell, on bread and water four days, and C. class house of correction. September 25, 1829 (T. Wright): Absconding from her service on the 7th September, and remaining absent until apprehended by constable Edgar in the bush near Hobart Town last night, in company with a man named Devign who made his escape; cell, on bread and water 10 days, and C. class house of correction. April 14, 1830 (Household): Held on suspicion of stealing the watch of the goods and chattels of her master; no evidence being produced, she is discharged. April 5, 1830 (Household): Absent from her service the whole of Sunday night last without leave; cell, on bread and water 48 hours, and returned to her service. May 11, 1830 (Maycock): Charged with wilful and corrupt perjury; fully committed for trial before the quarter sessions. May 22, 1830 (Quarter Sessions): Perjury; acquitted. April 13, 1830 (Household): Absenting herself from her service without leave; cell, on bread and water seven days, and placed in the assignable class house of correction. July 15, 1830 (Maycock): Absenting herself from her service on Friday last, and remaining absent until Saturday afternoon; cell, on bread and water five days, three months C. class house of correction, and to be sent to the interior.	Refused. (signed) *G. A.*
642	69	Clare, July 1817.	Life	E. Dumaresq. R Officer, Esq. Mr. W. Turnbul. Rev. W. Gerrard.	E. Dumaresq, Esq.	- - This old man formerly held a T. L., and is a very old man; he has been some years deprived of indulgence, and now produces certificates of good character from the officers of the district in which he resides; I therefore recommend on the Queen's birth-day. (signed) *J. S.*	- - February 24, 1821 (T. L.): Conveying spirits into H. M. gaol; to forfeit his T. L.; to be dismissed from his office of constable, and to receive 100 lashes. June 26, 1821: Neglect of duty; to labour the same hours as the gaol gang a week. September 15, 1823 (P. W.): Rambling about the streets of Hobart Town during divine service yesterday; rep^d. December 11, 1825 (Grave Digger): Repeated neglect of duty; 25 lashes, and returned to P. W. October 30, 1824: Not living with his master; P. B. first class. December 23, 1825 (Robinson): Neglect of duty yesterday, and not returning home as desired by his master; P. B. third class. December 17, 1828 (P. W.): Being idle; rep^d. January 1826 (Minnett): Refusing to accompany his master to Port Dalrymple; 25 lashes, and three months' chain gang. November 8, 1828 (G. Brooks): Insolence, neglect of duty, &c.; a fortnight in irons, and then placed in P. W., New Norfolk, and not assigned for 12 months. December 13, 1828 (P. W.): Neglect of duty; admonished. November 26, 1829 (Overseer P. W.): Having brought rum to where his gang were at work, and partaking of it with three of the men under his charge; nine months in irons at the Deep Gully. July 4, 1825: Stealing turnips from Mr. Buresford's field on Friday last; discharged, no prosecutor. December 2, 1825 (Rev. Mr. Connelly): Absenting himself frequently from his master's premises without leave, and leaving them without protection when solely in his charge, after being repeatedly cautioned not to do so, and also insolent to his master and threatening to run away from him; to be removed to Maria Island. 8th January 1833. (signed) *Thos. Mason.*	- - Appears to have been a very bad character; but with reference to his age, Approved on the Queen's birth-day. (signed) *G. A.*

RETURN of APPLICATIONS made by the Principal Superintendent of Convicts for Tickets of Leave, for the Month ending 30th November 1832--*continued*.

Number of Memorial.	Police Number.	WHEN and WHERE TRIED.	Sentence.	BY WHOM RECOMMENDED.	HOW EMPLOYED.	PRINCIPAL SUPERINTENDENT'S REMARKS.	EXTRACT FROM POLICE RECORDS.	LIEUTENANT GOVERNOR'S DECISION.
643	289	Surrey, 23 March 1820.	Life	W. G. Walker, Esq.	W. G. Walker, Esq.	I cannot recommend. (signed) *J. S.*	*No Gaol or Hulk Report received.* January 8, 1822 (Whitchurch): Disobedience of orders, and neglect of duty; also with being insolent to his master; rep[d] Sept. 15, 1823 (Brest): Repeatedly drunk, and neglect of duty; 25 lashes, and returned to P. W. July 21, 1815 (Sharland): Absenting himself from his master's service for two days; 25 lashes and returned P. B., 2d class. April 23, 1827 (W. G. Walker): Drunk, to be placed in the stocks for two hours. June 9, 1827 (W. G. Walker): Drunk, to be placed in the stocks for two hours. September 28, 1827 (W. G. Walker): Drunk and neglecting his duty; to be placed in the stocks, six. December 26, 1824 (Robertson): Drunk and disorderly; 25 lashes, and P. B. 2d class. March 8, 1828 (W. G. Walker): Disorderly on Saturday last; rep[d]. June 17, 1828 (W. G. Walker): Drunkenness and neglect of duty; 25 lashes. Oct. 13, 1828 (W. G. Walker): Abusing Mr. Richard Cordrey, overseer of the carpenters, 20 lashes. January 18, 1830 (W. G. Walker): Insubordination and insolence to his mistress yesterday; rep[d]. February 4, 1830 (W. G. Walker): Drunkenness, and neglect of duty on first and second preceding days; solitary cell, 15 days on B. and W. May 18, 1830 (Walker): Repeated insolence, particularly on the 15th instant; 25 lashes.	-- This service, I fear, is not very much calculated to reform a bad character. Refused. (signed) *G. A.*
644	692	Lancaster, 3 May 1824.	Life	Mr. James Evans. F. Roper, Esq.	Mr. James Evans	Has not served the regulated period. (signed) *J. S.*	-- *Transported for stealing bank notes and a pocket-book: Gaol Report, "not known before; behaved well in gaol."—Hulk Report, "orderly." Stated this offence, stealing bank notes and a pocket-book.* Hath no offences on record.	Refused. (signed) *G. A.*
645	539	Clare	Life	G. W. Gunning. M. H. Leigh. M. G. Burn. J. Lascelles, Esq.	Mr. E. Blinkworth	I cannot recommend. (signed) *J. S.*	*No Gaol or Hulk Report received.* Aug. 15, 1828 (Hart, Oyster Bay): Absconding from the custody of one of the F. police, on Monday the 4th August, and remaining about until apprehended by constable Flack, on Wednesday last, at Kangaroo Point; chain-gang one month, out of which tread-wheel fourteen days, and returned to his master. 20 April 1830 (Hart): Absconding from his service on the 6th April, and remaining absent until he surrendered, on Saturday night last; reprimanded and discharged. 30 April 1832 (Blinkworth): Burglariously entering a dwelling-house of his master, and stealing therefrom various articles of property of his master; acquitted.	Refused. (signed) *G. A.*
646	595	Worcester, March 1823.	Life	Lieut. Hill	Marine Department.	-- Has only just arrived from Macquarie Harbour. I cannot recommend. (signed) *J. S.*	-- *Transported for stealing from the person: Gaol Report, "bad character and connections." Hulk Report, "orderly." Stated this offence, picking pockets.* 11th April 1827: Committed for trial for stealing in His Majesty's Magazine, divers articles of wearing apparel, the property of Peter Meggot. 29 May 1827 (Supreme Court): stealing a coat and jacket, and various other articles; seven years transportation to Macquarie Harbour. 9 July 1832 (Marine Department): General neglect of duty; at the intercession of Lieutenant Hill he is reprimanded.	Refused. (signed) *G. A.*

647	701	Nottingham, March 1824.	Life	Mr. Hill, G. W. Gunning & J. H. Butcher, Esqrs.	Messrs. Bignell & Hill.	Has not served the regulated period. (signed) *J. S.*	-- *Transported for sheep stealing: Gaol Report, "not known before;" "good" in gaol.—Hulk Report, "orderly." Stated this offence, sheep stealing.* Hath no offence recorded.	Refused. (signed) *G. A.*
648	855	Surrey, 11 June 1827.	7	Mr. G. Govett	Mr. G. Govett	-- His master certifies that his conduct for the last 12 months only has been good; I therefore recommend his petitioning again on the King's next birth-day. (signed) *J. S.*	-- *Transported for stealing hats: Gaol Report, "bad before convicted."—Hulk Report, "good; in ship indifferent." Confessed this offence, stealing two hats; confined once, one month, as a vagrant.* March 23, 1829 (Govett): Drunkenness and neglect of duty, and losing six bottles of wine, his master's property; 25 lashes. February 2, 1830 (Govett): Drunkenness and neglect of duty, and absent from his master's house all the night before last; 50 lashes. Dec. 22, 1830 (Govett): Drunkenness and absenting himself from his master's premises on the night of Monday last; hard labour six weeks.	His reform is very doubtful at present. Refused. (signed) *G. A.*
649	881	Middlesex, 13 Sept. 1827.	7	Mr. R. C. Gunn	-- Messenger, Superintendent's office, Launceston.	-- By Mr. R. C. Gunn's certificate he has acted at his office messenger for nearly 3 years; & as he has served the regulated period with one offence only, I recommend. (signed) *J. S.*	-- *Transported for stealing two shoes: Gaol Report, "in Newgate before."—Hulk Report, "orderly." Stated this offence, stealing a pair of shoes from a shop; once acquitted for a till; ten weeks in Clerkenwell for bail.* May 31, 1830 (Panamore): Neglect of duty and insolence; 25 lashes, and returned to his master.	Approved. (signed) *G. A.*
650	735	Essex, 3 Dec. 1825.	14	Mr. John Bayless	Mr. John Bayless	-- Is certified by his master, and has served the regulated period without offence; I recommend. (signed) *J. S.*	-- *Transported for stealing money in a dwelling-house: Gaol Report, "indifferent; good in gaol." Hulk Report, "good." Stated this offence, stealing about £.27 in a dwelling-house.* Hath no offences on record.	Approved. (signed) *G. A.*
651	395	Edinburgh, 28 Sept. 1825.	Life	Mr. T. Williams. Mr. L. Abbott. Mr. A. Thompson.	Constable, Launceston.	Has not served the regulated period. (signed) *J. S.*	-- *Transported for theft: Gaol Report, "bad character;" "orderly."—Hulk Report, "orderly." Stated this offence, stealing £. 2 once; seven years ago, suspicion of a carpet, acquitted.* April 28, 1828 (Emmett): Out after hours, and found in Benjamin Momsey's public-house at half-past nine o'clock Saturday night; tread-wheel seven days. May 18, 1830 (J. C. Simpson): Disorderly conduct and insolence; chain-gang 14 days on the streets.	Refused. (signed) *G. A.*
652	199	Hobart Town, 2 Nov. 1824.	14	- - -	- - -	-- This man was convicted in the Colony, and served a considerable time at Macquarie Harbour, and having only been about 12 months in his present service, since his coming up, I cannot recommend. (signed) *J. S.*	-- *Transported for sheep stealing: Death recorded; pardoned on condition of transportation for 14 years.* September 26, 1831 (P. B.): Drunk and absent from muster on Saturday night last; to labour on the tread-wheel six days. 8th January 1833. (signed) *Thos. Mason.*	-- The offence for which this man was sent to Macquarie Harbour does not appear; but refused. (signed) *G. A.*

(continued.)

RETURN of Applications made by the Principal Superintendent of Convicts for Tickets of Leave, for the Month ending 30th November 1832—*continued.*

Number of Memorial.	Police Number.	WHEN and WHERE TRIED.	Sentence.	BY WHOM RECOMMENDED.	HOW EMPLOYED.	PRINCIPAL SUPERINTENDENT'S REMARKS.	EXTRACT FROM POLICE RECORDS.	LIEUTENANT GOVERNOR'S DECISION.
653	211	Edinburgh, 4 Feb. 1828.	14	M. L. Smith, Esq.	Field Police, Norfolk Plains.	Vide C. P. M.'s observation below. (signed) *J. S.* No claim. (signed) *M. F.*	- - *Transported for sheep stealing: Gaol Report, "character and disposition, good, industrious."—Hulk Report, "orderly." Stated this offence, stealing a sheep. "I did not commit the offence; the man who did do it had my dog with him."* March 6, 1830 (Constable Police): Neglect of duty last night in not placing Joseph Greenwood, a convict charged with assaulting Mr. Lumsden in the watchhouse; rep^d. June 6, 1831 (Constable): Drunk on Saturday night last, between the hours of nine and ten o'clock in the street, and creating a disturbance, fined 20*s.* and ordered to be removed to Norfolk Plains.	Refused. (signed) *G. A.*
654	118	Exeter, 18 March 1822.	Life	C. O. Parsons, Esq. E. Dumaresq, Esq.	- - Public Works, Loan-Gang, carpenter.	- - Is employed in the loan gang, and I should think it much better to keep him there. (signed) *J. S.*	- - *Transported for burglary: Gaol Report, "bad."—Hulk Report, "orderly." Stated this offence, burglary. Once before for poaching, three months.* June 24, 1826 (P. B.): Absent from P. B. yesterday afternoon without leave; 50 lashes. November 23, 1826: confined on the 27th July last, by order of His Honour Chief-Justice Pedder, charged with contempt of Court, by appearing as a witness in a state of intoxication on the trial of Thomas Dunning and others, for the murder of Mr. Simpson, of Pittwater, (P. B.) December 6, 1826 (P. B.): Drunk on Saturday night last, to work one month in irons. May 21, 1827 (P. W.): Having a pair of boots in his possession, knowing them to be stolen; chain gang, one month. October 15, 1827 (P.W.): Not proceeding to the farm of Thomas Archer, esq. on Saturday last, in pursuance of a pass given him at this office, and being found in Hobart Town on Monday morning without his pass, which he said he had lost; 25 lashes. July 3, 1829 (P. B.): Absent from the P. B. the whole of Wednesday night last, and coming in last night intoxicated; tread-wheel, 10 days. December 8, 1829 (P. B.): Being found drunk during Divine service yesterday; rep^d. April 19, 1830 (Orphan School): Confined by John Jones, a constable of Oatlands, on suspicion of being concerned with Blacksmith and Messenger in a felony; complaint dismissed. July 1, 1830 (M. O. School): Drunk and out after hours last night; 25 lashes, and returned to his duty. September 30, 1830 (M. O. School): Being absent from the P. B. from the 27th to the 30th September instant, without leave; No. 1, chain-gang, two months.	Refused. (signed) *G. A.*
655	163	Surrey, 27 Dec. 1824.	Life	Mr. Peter Munro J. Russell, Esq. J.P.	Mr. Peter Munro.	Has not served the regulated period. (signed) *J. S.*	- - *Transported for burglary: Gaol Report, "bad, been capitally convicted before."—Hulk Report, "none." Stated this offence, burglary. Once convicted for uttering forged notes; served two years in the house of correction, Guildford.* October 27, 1828 (P. W.): Negligently upsetting a cart and bullocks into the River Derwent; admonished.	Refused. (signed) *G. A.*

656	210	Surrey, 3d March 1828.	7	Capt. Clark. D. Wentworth, esq.	Capt. Clark	-- Has served the regulated period without offence, and has served two years with his master, Captain Clark, as constable. I recommend. (signed) *J. S.*	-- *Transported for stealing a frock: Gaol Report, "convicted before, bad character."—Hulk Report, "orderly." Stated this offence, stealing a frock, value 10s. Once acquitted of stealing leather.* Hath no offence on record.	Approved. (signed) *G. A.*
657	213	Middlesex, 10 April 1828.	7	Mrs. Stocker	Mrs. Stocker	-- Has served the regulated period, certified by his master. I recommend. (signed) *J. S.*	-- *Transported for stealing a cart and truck, three indictments: Gaol Report, "convicted before, well behaved, but known to the police."—Hulk Report, "indifferent." Stated this offence, stealing a cart and truck.* Hath no offence on record.	Approved. (signed) *G. A.*
658	305	Essex, 4 Jan. 1831.	7	J. Hart, Esq.	J. Hart, Esq.	-- This man has already been told he can have no claim until he has served the regulated period; he has been little better than twelve months in the Colony. (signed) *J. S.*	-- *Transported for machine-breaking: Gaol Report, "unknown."—Hulk Report, "good." Stated this offence, machine-breaking.* Hath no offence on record.	No such promise was made as he states. Refused. (signed) *G. A.*
659	565	York, 24 October 1827.	7	W. Talbot, Esq.	W. Talbot, Esq.	-- Has served the regulated period without offence, certified by his master. I recommend. (signed) *J. S.*	-- *Transported for stealing a watch, silver: Gaol Report, "twice convicted before, and is a very bad and dangerous character."—Hulk Report, "good." Stated this offence, stealing a watch from the person. Once six months for pen-knives; three months for desertion from the 3d West York Militia.* Hath no offence on record.	Approved. (signed) *G. A.*
660	568	Lancaster, 16 July 1827.	7	Mr. A. Mitchell	Mr. A. Mitchell	-- Has served the regulated period without offence; produces his master's certificate. I recommend. (signed) *J. S.*	-- *Transported for stealing wearing apparel: Gaol Report, "twice in custody for misdemeanor."—Hulk Report, "indifferent." Stated this offence, burglary. Once on suspicion of felony. Three months in Manchester. Once for wilfully spoiling work; one month, and whipped.* Hath no offences on record.	Approved. (signed) *G. A.*
661	588	Glasgow, May 7, 1827.	7	Mr. John Hayes F. Roper, Esq.	Mr. John Hayes	-- He still wants a short time of serving the regulated period, but having only one offence recorded, I recommend on the King's birth-day, provided his conduct continues good. (signed) *J. S.*	-- *Transported for theft: Gaol Report, "audacious, impudent and mischievous.—Hulk Report, "orderly." Stated this offence, stealing spoons. Once on suspicion, 14 days in custody.* January 2, 1830 (J. Hayes): Neglect of duty; admonished. (signed) *Thos. Mason.* 8th January 1833.	-- Approved, on condition of good conduct on King's birth-day. (signed) *G. A.*

RETURN of APPLICATIONS made by the Principal Superintendent of Convicts for Tickets of Leave, for the Month ending 30th November 1832—*continued.*

Number of Memorial.	Police Number.	WHEN and WHERE TRIED.	Sentence.	HOW RECOMMENDED.	HOW EMPLOYED.	PRINCIPAL SUPERINTENDENT'S REMARKS.	EXTRACT FROM POLICE RECORDS.	LIEUTENANT GOVERNOR'S DECISION.
662	146	Stafford,* 12 March 1818.	Life.	Mr. H. Degreaves	Mr. H. Degreaves	- - It is not on account of his police character that I recommend this old man, for that evinces considerable depravity, but being upwards of 63 years of age, and his services can be of no use either to his master or the Government, I recommend a trial being given him. (signed) *J. S.*	*No Gaol or Hulk Report received.* February 3, 1821 (P. W.): Stealing fruit out of Governor's garden at Launceston; to labour 3 months in the gaol gang. January 6, 1823: Neglect of duty and absent without leave; to labour in gaol gang four calendar months. May 14, 1823 (P. W.): Neglect of duty and drunkenness; one week in a cell on bread and water. June 13, 1823 (P. W.): Disobedience of orders; reprimanded. June 14, 1823 (P. W.): Drunk and incapable of duty; 25 lashes. August 8, 1823 (P. W.): Suspicion of stealing, with others, eight bottles of wine, the property of Assistant-Surgeon Owen, whilst the same was in their charge; 50 lashes and work in irons in gaol gang for two calendar months. February 1, 1826 (P. W.): Disobedience of orders, and employing the Governor's cattle for his own emolument; 50 lashes. January 25, 1827 (P. W.): Disobedience of orders; charge dismissed. February 12, 1827 (Government Boats): Improper behaviour towards some female convicts on board the boat Harriett; charge dismissed. July 23, 1827 (P. W.): Drunk; placed in the stocks six hours. September 25, 1827 (P. W. Boats): Drunk; to work one month in irons. November 20, 1827 (P. W. Boats): Neglect of duty and getting drunk; to work in gaol gang one month. December 21, 1827 (P. W. Boats): Neglect of duty in suffering the water boat to be bilged; 25 lashes. January 21, 1828 (P. W.): Neglect of duty; rep^{d}. March 7, 1828 (P. W. Boats): Drunk in the streets; rep^{d}. May 15, 1828 (P. W. Boats): Losing an oar, the property of the Crown; charge dismissed. October 18, 1828 (P. W.): Drunk yesterday; to work one month in chain gang. December 8, 1828 (Penitentiary): Drunk; to be deprived of his indulgences for six weeks, or during the time he shall remain in the Penitentiary. March 5, 1829 (P. W.): Supplying Mr. D. A. C. G. Hull with brackish water; 30 lashes; suspended at the request of Mr. Hull. March 21, 1829: Drunk on the wharf yesterday; chain gang, one month. March 26, 1829: Neglect of duty at the quarry; 20 lashes. August 17, 1829: Drunk yesterday; to be placed in the Penitentiary six weeks. December 26, 1829 (Charcoal Gang): Drunk, and out after hours on Christmas night; admonished.	- - He is not reformed, and therefore can have no claim for consideration. Refused. (signed) *G. A.*
663	387	Warwick, 31 March 1821.	14	J. L. Archer, Esq.	J. L. Archer, Esq.	- - He has been a long time in the Colony, but is a character very much given to intoxication. His present master, the engineer, has recommended his petition; but I do not. (signed) *J. S.*	- - *Transported for receiving stolen goods: Gaol Report, "unknown."—Hulk Report, "orderly."* March 25, 1826 (Government Garden): Absent from work Thursday last and returning drunk, and not attending church yesterday; rep^{d}. March 30, 1826 (P. W.): Absent from muster Tuesday night; rep^{d}. July 24, 1826 (Government Farm): Out after hours Saturday night; 50 lashes. January 15, 1827 (Government Farm): Repeatedly absent after hours, particularly on Saturday last; rep^{d}. March 27, 1827 (Government Farm): Absenting himself from Government Farm yesterday without leave, and not returning till nine o'clock last night, and returning drunk; chain gang 14 days. April 30, 1827 (Government Farm): Coming to Hobart Town without leave on Saturday, and returning home in a state of intoxication at night; chain gang one week. December 22, 1823 (Phillips): Drunk and disorderly, and being at Newtown Road without a pass; rep^{d}. November 7, 1829 (Government Garden): Absent from muster at the Government Garden on Sunday evening last; 25 lashes and returned to his duty. November 21, 1829 (Government Garden): Absent from the Government Garden last night without leave; 12 lashes and returned to his duty. April 5, 1830 (Government Garden): Fighting and creating a disturbance last night; 25 lashes. November 1, 1831 (J. L. Archer): Being in a state of intoxication; two dozen lashes, punishment suspended during good behaviour. November 9, 1825 (Supreme Court): Burglary in the dwelling-house; guilty, discharged by order of his Excellency.	- - Dependance cannot yet be placed in this man. Refused. (signed) *G. A.*

664	628	Oxford, 26 April 1824. Hobart Town, January 1825.	Life 7	J. E. Weage, Esq.	J. E. Weage, Esq.	I cannot recommend. (signed) *J. S.*	- - *Transported for stealing from the person: Gaol Report, "indifferent character."—Hulk Report, "orderly." Stated this offence, stealing from the person. Once in custody for a watch in Oxford gaol.* March 5, 1826: Being found with some potatoes in his possession, knowing them to be stolen; 50 lashes, and 10 days in irons. September 4, 1826: Making an opening in the roof of his hut for the purpose of going out to commit robberies, and being privy to one committed the preceding night in the adjoining hut; 25 lashes. August 4, 1826: Disobedience of orders, in refusing to take his watch at night; 30 lashes. January 7, 1825 (Supreme Court): Housebreaking; guilty, death, commuted to transportation for seven years.	A second sentence in the Colony. Refused. (signed) *G. A.*
665	473	Lancaster, 22 April 1822.	Life	J. England. B. Horne. J. A. Jackson, Esq. Mr. R. Court. J. Simpson, Esq.	Field Police, Campbell Town.	- - I can only regret that this man has been allowed to join the police. The circumstances attending the rape for which he was tried are still strong in my recollection, as it occurred in my own neighbourhood. (signed) *J. S.* Only one year in the Police. Lifer. (signed) *M. F.*	- - *Transported for stealing from the person: Gaol Report, "twice convicted before."—Hulk Report, "good." Stated this offence, pocket picking; denies having been convicted before.* November 2, 1824 (Sub. Court): Aiding and abetting in a rape; not guilty. January 11, 1825 (Fisher): Neglect of duty for the last three days; 50 lashes and third class, P. B. February 8, 1825 (P. B.): Absent from his gang between 10 and 11 o'clock this day; 25 lashes. June 28, 1825 (Plt.): Being out at ten minutes past eight yesterday evening; rep[d]. April 23, 1823: Disobedience of orders and other improper conduct; 25 lashes. February 3, 1827 (W. Abel): Assault; 25 lashes. March 10, 1827 (W. Abel, jun.): Threatening and abuse; six months chain gang and returned to his master. June 18, 1827 (Chain Gang): Being in a state of intoxication at muster on Saturday night last; sentence extended in chain gang 21 days. March 11, 1828 (W. Abel, jun.): Neglect of duty; one month in irons at New Norfolk. March 31, 1828 (P. W.): Very riotous conduct, and assaulting the watchman in the P. B.; transported to a Penal Settlement for two years. June 16, 1828 (Penitentiary); Reporting himself as sick, and not having any thing the matter with him; rep[d]. December 26, 1831 (F. Police): Neglect of duty; fined 10 *s.*	Refused. (signed) *G. A.* This man seems a most improper subject for the police; but being in it, the opportunity may be afforded him to prove that he is a reformed character. (signed) *G. A.*
666	699	Middlesex, 30 June 1825. Hobart Town, 5 August 1826. Ditto - Ditto.	Life 7 7	Mrs. C. Wade.	Mrs. C. Wade.	I cannot recommend.	- - *Transported for burglary: Gaol Report, "in Newgate before."—Hulk Report, "orderly." Stated this offence, breaking into a house.* August 5, 1826 (Sub. Court): Stealing a pair of boots; guilty, seven years transportation to Macquarie Harbour. Same date (Supreme Court): Stealing soap; guilty, seven years transportation to Macquarie Harbour. March 27, 1827: Exchanging his hat with a prisoner who was about to abscond; 50 lashes. June 27, 1827: Destroying his shirt; 25 lashes. October 28, 1828: Not accomplishing his weekly task of work; 18 lashes. February 14, 1832 (Wade): Disrespectful conduct and insolence to Miss Ann Wade; 50 lashes, and returned to his service. November 20, 1832 (Wade): Drunk; admonished. 8th January 1833. (signed) *Thos. Mason.*	Refused. (signed) *G. A.*

(continued.)

RETURN of Applications made by the Principal Superintendent of Convicts for Tickets of Leave, for the Month ending 30th November 1832—*continued.*

Number of Memorial.	Police Number.	WHEN and WHERE TRIED.	Sentence.	BY WHOM RECOMMENDED.	HOW EMPLOYED.	PRINCIPAL SUPERINTENDENT'S REMARKS.	EXTRACT FROM POLICE RECORDS.	LIEUTENANT GOVERNOR'S DECISION.
667	620	Gloucester, 31 March 1824.	Life	L. Beauvais, Esq.	V. D. Land Establishment.	I cannot recommend. (signed) *J. S.*	-- *Transported for highway robbery: Gaol Report, "a notorious character; made two attempts to escape."—Hulk Report, "orderly." Stated this offence, highway robbery; once in custody for stealing, in Gloucester Goal seven days.* April 15, 1825 (Salmon): Repeated neglect of duty and insolence to his master, particularly yesterday; 25 lashes. November 25, 1825 (Salmon): Repeated neglect of duty and embezzling £. 1. 10. 9. the property of his master, on Saturday last; 25 lashes. December 20, 1825 (Salmon): Striking his master, Saturday last; reprimanded. December 22, 1825 (Salmon): Neglect of duty yesterday; reprimanded. December 25, 1825 (Salmon): Absenting himself from his master's premises last night and again this morning; P. B. 3d Class. January 26, 1830 (Dutton): Being found at the "Help me through the World" public-house, after hours last night; tread-wheel three days, and returned to his master; sentence suspended. June 8, 1830 (V. D. L. Establishment): Neglect of duty in stopping at Launceston two days over his pass, dated 26 May last; chain-gang three months, and returned to the establishment. July 5, 1830 (chain-gang): Drunk; sentence extended, in chain-gang one month.	A very bad character at home, and by no means reformed here. Refused. (signed) *G. A.*
668	799	Liverpool, 23 October 1826.	7	Mr. G. Armytage. F. Roper, Esq.	Mr. G. Armytage.	Only wants a few months of being free. I recommend. (signed) *J. S.*	-- *Transported for felony: Gaoler's Report, "convicted before, behaved well."—At Hulks, "good;" in Ship, "quiet." Confessed this offence, stealing in a dwelling-house. Once two years for breach of trust.* May 16, 1828 (Armytage): Disobedience of orders; reprimanded.	Approved. This man was eligible for a ticket long since. (signed) *G. A.*
669	802	Westminster, 2 April 1827.	7	F. Aubin, Esq. & M. Forster, Esq.	Clerk, Police-office, Waterloo Point.	-- I have my doubts of this young man's real character; but from all I have heard, he has conducted himself with propriety as police clerk at Swan Port, and he has served 12 months beyond the regulated period. I recommend. (signed) *J. S.*	-- *Transported for misdemeanor: Gaoler's Report, "good."—At Hulks, "good." In Ship, "behaved well." Confessed this offence, fraud, £. 20. or £. 30.* May 26, 1828 (A. Stephen, Esq.): Drunk and disorderly last night in the streets of Hobart Town at nine o'clock; rep^{d}. July 24, 1829 (A. Stephen, Esq.): Committed for trial for stealing an umbrella, the property of George Stoker. January 9, 1830 (Sup. Court): Stealing an umbrella; not guilty. June 14, 1830 (P. B. Clerk): Falsely stating he had leave from Lieutenant-Governor to be absent from his duty; tread-wheel five days, but the punishment suspended for one month.	There is some reason to doubt his reform; but approved. (signed) *G. A.*
670	824	Middlesex, 3 May 1827.	7	W. Ashburner, Esq.	W. Ashburner, Esq.	-- Has served the regulated period without offence; his master, Mr. Ashburner, speaks favourably of him. I recommend. (signed) *J. S.*	-- *Transported for stealing a coat: Gaol Report, "been here before."—Hulk Report, "good." In Ship, "indifferent." Confessed this offence, stealing a coat in a shop.* Hath no offence on record.	Approved. (signed) *G. A.*

671	878	Gloucester, 2 April 1828.	7	G. B. Skardon, Esq.	G. B. Skardon, Esq.	-- I do not conceive this man to be quite so good a character as his master has represented; but from the certificate adduced, if his conduct continues good until the King's birth-day, I then recommend. (signed) *J. S.*	-- *Transported for stealing a watch: Gaol Report, "worst description of character."—Hulk Report, "orderly." Stated this offence, stealing a watch from a man; once for apples, a month in prison.* January 19, 1829 (P. B.): Falling out of the ranks after having been mustered for church yesterday; 12 lashes. January 28, 1829 (P. B.): Robbing Thomas Grooves of some money, amounting to 3*s.* 4*d.*, yesterday; tread-wheel 14 days. February 6, 1829 (P. B.): Refusing to work this day on the tread-wheel, to which he is sentenced; 12 lashes. March 19, 1832 (Skardon): Disobedience of orders reprimanded. 8th January 1833. (signed) *Thos. Mason.*	-- Looking to his conduct at home and his offences here, I cannot consider this prisoner to be eligible for any indulgence. Refused. (signed) *G. A.*

To His Excellency Colonel *George Arthur*, Lieutenant-Governor of Van Diemen's Land, &c. &c. &c.

The humble Petition of *William Hooper*,

Sheweth,—THAT your Petitioner was tried at Gloucester, in the county of Gloucester, April 1828, and received sentence of transportation for seven years. That he arrived in this Colony, per ship *Manlius*, 1st., and was then placed under the care of G. B. Skardon, Esq., in which gentleman's service he has remained ever since; during which time he has conducted himself with propriety, and a strict adherence to the regulations of Government.

Your Petitioner, therefore, humbly prays, that your Excellency will be pleased to take his servitude and good conduct into consideration, and grant him the indulgence of a Ticket of Leave.

And your Petitioner, as in duty bound, will ever pray.

I HEREBY certify, That the Memorialist has been with me for nearly four years, the whole time of his servitude, excepting about three months before he was sent from Hobart Town. During this period he has been once reprimanded at the Police Office by me; so that upon the whole I have much pleasure in recommending him for the indulgence prayed for.

Little Hampton Villa, Norfolk Plains,
November 12th, 1832. *G. B. Skardon.*

I HAVE the honour to certify, for the information of his Excellency the Lieutenant-Governor, That this Petitioner, William Hooper, was convicted on the 19th March 1832, of disobedience of orders, and reprimanded; but has not been convicted of any other offence at this office.

Police Office, Norfolk Plains,
12th November 1832. *Malcn L. Smith.*

672	890	Derby, 19 March 1828.	7	J. Cox, Esq.	J. Cox, Esq.	-- Has served the regulated period without offence; certified by his master. I recommend. (signed) *J. S.*	-- *Transported for stealing wearing apparel: Gaol Report, "his whole family are bad, and himself a very bad character."—Hulk Report, "indifferent." Stated this offence, stealing wearing apparel, once for poaching a hare.* Hath no offences on record.	-- Bad as this man's character and connexions were at home, it is the more gratifying to observe that he has served without offence. Approved. (signed) *G. A.*
673	919	Stafford,	7	W. Bryan	W. Bryan	Has not yet served the regulated period. (signed) *J.S.*	-- *Transported for stealing a cow's heart: Gaol Report, "transported before; bad character; behaved well in Gaol."—Hulk Report, "orderly." Stated this offence, stealing a bullock's heart, I took it off a hook; once seven years for a basket of coppers, served three years six months and fourteen days.*	Just such another case as the above. When he shall have fully served the regulated period. Approved. (signed) *G. A.*
674 (continued)	399	Middlesex, 21 February 1828.	7	J. T. Gellebrand, Esq. and C. Parsons, Esq.	J. T. Gellebrand, Esq. and C. Parsons, Esq.	Has not served the regulated period. (signed) *J. S.*	-- Transported for larceny: Gaol Report, "in custody before."—Hulk Report, "put on B. & W. once." Stated this offence, stealing two guns; denies ever having been in custody. Hath no offences on record. 8th January 1833. (signed) *Thos. Mason.*	When he shall have served the regulated period. (signed) *G. A.*

RETURN of APPLICATION made by the Principal Superintendent of Convicts for Tickets of Leave, for the Month ending 30th November 1832—*continued.*

Number of Memorial.	Police Number.	WHEN and WHERE TRIED.	Sentence.	BY WHOM RECOMMENDED.	HOW EMPLOYED.	PRINCIPAL SUPERINTENDENT'S REMARKS.	EXTRACT FROM POLICE RECORDS.	LIEUTENANT GOVERNOR'S DECISION.
675	140	Cape of Good Hope, 20 May 1820.	Life	M. J. Halls, W. Grey, Esq.	Survey Department.	-- The certificate on this man's memorial is most extraordinary; but although he was undoubtedly a good tailor to the African Corps, he shews he has not been a good man since his exile. (signed) *J. S.*	-- *No Gaol or Hulk Report received.* May 28, 1824 (Plb.): Absent from Launceston 18 months; no sentence in record: December 1824: (Supreme Court): Attempting to shoot off a loaded gun with intent to commit murder; not guilty; remanded same day; stealing in a dwelling-house, and putting the owner in fear, &c.; not guilty. November 30, 1825 (Plb.): Disobedience of orders; ordered to be kept in the P. B. one month. January 18, 1828 (Survey Department): Neglect of duty and disobedience of orders; rep^{d}. September 22, 1828 (Plb.): Feloniously receiving and having in his possession a silver Waterloo medal, value 5 *s.* of the goods and chattels of private Edward Dweyer, he the said Lennow, at the time he received the same well knowing it to be stolen; Macquarie Harbour, or such other place, &c. for three years. February 2, 1831 (Plb.): Absconding from the P. W. at Port Arthur last Saturday week; imprisoned and kept in hard labour 12 months. April 26, 1832: Misconduct, in throwing some leather from the colonial brig "Isabella" into a boat then alongside, with a view to the leather being conveyed into the Penal Settlement of Port Arthur in a clandestine manner; 50 lashes.	-- These gentlemen must have certified without a sufficient knowledge of the man's character. Refused. (signed) *G. A.*
676	436	Middlesex, 29 May 1828.	7	Lieutenant Gunn.	-- Broom-maker, Prisoner's Barracks.	-- Has served the regulated period with one offence only, and being a cripple, I recommend. (signed) *J. S.*	-- *Transported for stealing tools: Gaol Report, "conduct orderly."—Hulk Report, "orderly." Stated this offence, stealing tools.* January 2, 1829 (P. B.): Getting wood in the government paddock yesterday, contrary to orders, reprimanded.	His offence in the Colony very venial. Approved. (signed) *G. A.*
677	291	Leeds, 15 March 1823.	Life	Mr. J. Barnes, Mr. J. Wells, J. Bisdee, Esq.	Mr. J. Barnes.	I cannot recommend - - - (signed) *J S.*	-- *Transported for highway robbery: Gaol Report, "bad." —Hulk Report, "orderly." Stated this offence, highway robbery before, for copper; tried and acquitted.* May 3, 1827: Absent from his post while on duty at the Secretary's Office last night; dismissed. November 4, 1827 (Plb.): Rambling the streets of Hobart Town during divine service this day; rep^{d}. July 16, 1828 (Plb.): Neglect of duty as watchman, at the Secretary's Office, on the night of the 13th, and also with disobeying the orders of the serjeant on duty; discharged. October 9, 1829 (Plb. Watchman): Drunk and asleep when on duty as watchman at the Colonial Secretary's Office, on Tuesday night last; 25 lashes. June 14, 1830 (Watchman, Colonial Secretary's): Drunk and asleep on his post, on Sunday night last; 30 lashes, and returned to his duty. July 6, 1830 (Watchman, Colonial Secretary's Office): Gross abuse to Constable Stone, and being intoxicated yesterday; 25 lashes, and returned to his duty; punishment suspended, the man being much burnt about the body. April 5, 1831 (Messengers at Gaol): Being found after hours at night; to be imprisoned and kept to hard labour one month.	Refused. (signed) *G. A.*
678	486	York, 14 July 1828.	7	Messrs. Wood & Co.	Messrs. Wood & Co.	Has not served the regulated period. (signed) *J. S.*	-- *Transported for obtaining goods under false pretences: Gaol Report, "bad; convicted before of fraud."—Hulk Report, "orderly." Stated this offence, obtaining goods under false pretences. Once two months for a similar offence.* -- July 30, 1832 (Wood): Neglect of duty as lamplighter to the contractor for lamps; admonished. 8th January 1833. (signed) *Thos. Mason.*	Refused. (signed) *G. A.*

679	292	York, 15 March 1823.	Life	A. Reid, D. Wentworth, Esq.	Field Police, Bothwell.	-- By the certificates annexed, appears to have conducted himself well in the police; has served four years in it. (signed) *J. S.* I recommend. (signed) *M. F.*	-- *Transported for burglary: Gaol Report, "bad"—Hulk Report, "orderly." Stated this offence, housebreaking.* July 2, 1825 (Dr. Scott): Neglect of duty and disobedience of orders yesterday; reprimanded. July 18, 1828 (T. L.): Absent from Hobart Town without a pass; having neglected to attend, on the 6th instant, muster and church, the period for which he had obtained his former pass having expired that day; admonished. August 14, 1828 (T. Leave): Gross prevarication in the case of Thomas Bunell, charged with illegally retaining wine; to forfeit his T. L. and returned to public works. November 19, 1828 (Field Police Constable): Drunkenness of orders; fined one month's salary. October 24, 1829 (Field Police Constable): Drunkenness and gross neglect of duty yesterday; fined 20 *s.* and to forfeit the time he has already served in the Field Police. December 26, 1829 (Field Police Constable): Drunkenness; fined one month's salary.	-- Not a character to be depended upon, I should think; but as he has served three years in the police without offence, Approved. (signed) *G. A.*
680	457	York, 21 January 1829.	7	Mr. James Presnell.	Mr. James Presnell.	Has not served the regulated period. (signed) *J. S.*	-- *Transported for stealing honey: Gaol Report, "bad." "Imprisoned three months under the Game Laws."—Hulk Report, "orderly." Stated this offence, stealing a hive of bees, honey, &c. Once three months for poaching; Wakefield house of correction.* Hath no offences on record.	Refused. (signed) *G. A.*
681	651	Devon, 21 March 1827.	7	W. Archer, Esq.	W. Archer, Esq.	-- Having received such a punishment as he has during the last year, I cannot recommend immediately. (signed) *J. S.*	-- *Transported for stealing 27 s.: Gaol Report, "in gaol before."—Hulk Report, "indifferent." Stated this offence, stealing two seals, a chain and watch; once a fortnight, for not appearing on my own recognizance.* January 26, 1829 (W. Archer): Going into the shoemaker's hut this morning without permission, and assaulting and beating his fellow servant, William M'Coy; 25 lashes. October 17, 1831 (W. Archer): Neglect of duty on the 15th instant; 50 lashes. June 25, 1832 (W. Archer): Neglect of duty two days; 50 lashes.	-- Mr. W. Archer is, I observe, very careful in his recommendations. Approved, on the King's Birth Day. (signed) *G. A.*
682	425	Derby, March 1818.	Life	Rev. R. C. Drought. Mr. S. Austin, J. O. Gage, and F. Roper, Esqrs.	Mr. S. Austin.	-- I recommend this on account of the strong certificates adduced on his memorial. (signed) *J. S.*	-- *No Gaol or Hulk Report received.* March 9, 1827: Using unprovoked language and abusive; 18 lashes; remitted. July 30, 1827 (P. Works): Absent from his gang yesterday without leave; reprimanded.	Approved. I cannot imagine why this man's case was refused in September 1831; the man has been nearly 13 years in the Colony; let this case be brought forward as a pardon in another year. (signed) *G. A.*
683	660	Wilts, 10 March 1827.	Life	G. Frankland, Esq.	G. Frankland, Esq.	- - - - - -	-- Transported for forged notes: Gaol Report, "bad."—Hulk Report, "indifferent." Stated this offence, uttering forged bank notes (5 *l.*) Hath no offences on record.	Refused. (signed) *G. A.*
684	693	Stafford, 17 October 1827.	7	J. T. Gellebrand, Esq.	J. T. Gellebrand, Esq.	Has not yet served the regular period. (signed) *J. S.*	-- *Transported for stealing from the person: Gaol Report, "an incorrigible youth; has been many times in prison, and connected with Wolverhampton thieves; orderly in gaol." Stated this offence, stealing 5 s. from a young woman; twice for leaving my master.* Hath no offences on record. January 8, 1833. (signed) *Thos. Mason.*	-- Refused at present; but as he brought so bad a character it is gratifying to perceive that his conduct has been uniformly correct; a ticket on the King's birth-day. (signed) *G. A.*

(continued.)

RETURN of APPLICATIONS made by the Principal Superintendent of Convicts for Tickets of Leave, for the Month ending 30th November 1832—*continued*.

Number of Memorial.	Police Number.	WHEN and WHERE TRIED.	Sentence.	BY WHOM RECOMMENDED.	HOW EMPLOYED.	PRINCIPAL SUPERINTENDENT'S REMARKS.	EXTRACT FROM POLICE RECORDS.	LIEUTENANT GOVERNOR'S DECISION.
685	78	Gloucester, 30 August 1827.	7	Mr. Robert Corney	Mr. Robert Corney	-- Has served the regulated period, with one offence only; I recommend. (signed) *J. S.*	-- *Transported for stealing a saddle: Gaol Report, "committed before, notorious bad character."—Hulk Report, "orderly." Stated this offence, stealing a saddle; once before about cloth; served two years in Gloucester for some cloth; I was acquitted for cloth.* October 7, 1829 (Prisoners' Barracks): Intoxicated on Monday night last; reprimanded.	Approved. (signed) *G. A.*
686	84	Middlesex, 23 May 1828.	7	Mr. Mich[l] Steel, F. Roper, Esq.	Mr. Mich[l] Steel	-- Has served the regulated period without offence; certified by his master; I recommend. (signed) *J. S.*	-- *Transported for stealing three pounds of pork: Gaol Report, "not known here"—Hulk Report, "orderly." Stated this offence, stealing a piece of pork; once for a piece of mutton; six months house of correction.* Hath no offences on record.	Approved. (signed) *G. A.*
687	273	Middlesex, 1818.	Life	Mrs. P. Buchanan	Mrs. P. Buchanan	I cannot recommend - - (signed) *J. S.*	*No Gaol or Hulk Report received.* January 31, 1825 (N. O. Boat's Crew): Out of his lodgings all last night (Government House robbed) 3d Class, Prisoners' Barracks. May 3, 1825 (Overseer Stone Quarry): Falsely representing to Mr. Simmons, superintendent of public works, that a prisoner belonging to the gang of the said prisons, named Jarvis, was present at his work this morning, well knowing that Jarvis was absent, P. B. 2d Class. December 8, 1825 (Boat's Crew): Out after hours last night; reprimanded. December 24, 1825 (Boat's Crew): Out, suspicion of felony; discharged. February 8, 1826 (Boat's Crew): Out after hours last night; reprimanded. February 23, 1826 (Boat's Crew): Neglect of duty this morning; 25 lashes. March 8, 1826 (Boat's Crew): Violent suspicion of robbing a man named Harris; to Maria Island. March 29, 1827: Neglect of duty; 25 lashes.	Refused. (signed) *G. A.*
688	335	Stafford, 17 July 1823.	Life	Lieuts. Simmons and Gunns.	P. Works, millwright.	I do not recommend. (signed) *J. S.*	-- *Transported for horse-stealing, a great rascal, and notorious horse-stealer: Hulk Report, "good." Stated this offence, horse-stealing.* June 8, 1825 (Public Works): Absconding from public works on 2d May last, and remaining absent till 16th May; to be sent to gaol till sent to Maria Island. August 25, 1829 (Public Works): Absent from labour yesterday without leave; to labour the whole of next Saturday, instead of having it for a holiday.	Refused at present. (signed) *G. A.*
689	400	Cumberland, 8 August 1825.	Life	Mr. Henry Anson	Mr. Henry Anson	Has not served the regulated period. (signed) *J. S.*	-- *Transported for uttering forged notes: Gaol Report, "not known;" "orderly."—Hulk Report, "orderly." Stated this offence, uttering forged notes; 16 notes.* October 19, 1827 (G. Thomson): Extreme insolence to his master; 50 lashes. December 13, 1827 (G. Thomson): Obstinate idleness, and refusing to work; 12 months in irons at New Norfolk, and then public works Hobart Town.	Refused. (signed) *G. A.*

690	511	Stafford, 16 January 1828.	7	Mr. E. Bryant, A. Barclay, Esq.	Mr. E. Bryant	- - Has served the regulated period without offence; certified by his master; I recommend. (signed) *J. S.*	- *Transported for stealing silk purses: Gaol Report, "bad character; connected with a gang of thieves."—Hulk Report, "orderly." Stated this offence, privately stealing.* Hath no offences on record.	Approved. (signed) *G. A.*
691	16	Glasgow, 23 Sept. 1823.	Life	Mr. Alex[r] Reid	Mr. Alex[r] Reid	I cannot recommend - - - (signed) *J. S.*	- - *Transported for assault and robbery: Gaol Report, "good."—Hulk Report, "orderly." Stated imprisonment, once in Glasgow gaol six months for theft.* December 7, 1824: Disobedience of orders, in not assisting Mr. Wise, superintendent of Buches Bay, in hand-cuffing Josiah Bud; reprimanded. May 1, 1827: Absent from his lodgings last night at 10 o'clock, and found in Harrington-street, and representing himself to district constable Fletcher to be a free man; chain gang one month. December 13, 1826 (P. Works): Absent from muster to church on Sunday last; returned to prisoners. January 23, 1827 (Prisoners' Barracks): Absent from his work yesterday, and found in the Lamb public-house; to work for Government two successive Saturdays. May 21, 1829 (Public Works): Committed for trial; feloniously receiving a pair of trowsers feloniously stolen from Joram Foot.	Refused. (signed) *G. A.*
692	535	Warwick, 15 August 1827.	7	Mr. A. Beveridge	Mr. A. Beveridge	- - From his three offences, I recommend his remaining until the King's next birth-day. (signed) *J. S.*	- - *Transported for felony: Gaol Report, "bad, having been previously convicted of felony."—Hulk Report, "good." Stated this offence, highway robbery; once 12 months for house-breaking.* November 16, 1829 (Beveridge): Disobedience of orders, and neglect of duty; 25 lashes. December 2, 1829 (Beveridge): Disobedience of orders; three months chain gang, and returned to his master's service. July 13, 1830 (Beveridge): Disobedience of orders, and insolence; 25 lashes.	King's birth-day; Approved. (signed) *G. A.*
693	341	York, 9 March 1822.	Life	W. G. Walker, Esq.	W. G. Walker, Esq.	I do not recommend - - - (signed) *J. S.*	- - *Transported for highway robbery, connexions very bad; he attempted to break prison: Hulk Report, "behaved very well."* December 14, 1824 (Lakeland): Absent from his lodgings all last night; Prisoners' Barracks, 3d Class. June 18, 1825 (H. J. Emmett): Suspicion of stealing his master's fowls; Prisoners' Barracks, 3d Class. June 12, 1826 (Walker): Gross prevarication; 25 lashes. January 18, 1827 (W. G. Walker, Esq.): Feloniously receiving and having in his possession 2 ½ yards of black cloth, the property of Mr. S. Lord; committed for trial before quarter sessions. February 2, 1827 (W. G. Walker, Esq.): Feloniously receiving and having in his possession two yards of black woollen cloth, the property of Mr. S. Lord, or of a person unknown, knowing it to have been stolen; to be confined in the Penitentiary 12 months, and to be worked in irons during that time. November 13, 1827 (W. G. Walker): Disorderly conduct; charge dismissed. March 29, 1828 (Walker): Absenting himself from his master's service, and using his master's horse without permission; 40 lashes. January 2, 1830 (Walker): Absconding from his master's premises on the 30th December, and remaining absent till the 1st instant; 25 lashes. 8th January 1833. (signed) *Thos. Mason.*	Refused. (signed) *G. A.*

(continued.)

RETURN of APPLICATIONS made by the Principal Superintendent of Convicts for Tickets of Leave, for the Month ending 30th November 1832—*continued*.

Number of Memorial.	Police Number.	WHEN and WHERE TRIED.	Sentence.	BY WHOM RECOMMENDED.	HOW EMPLOYED.	PRINCIPAL SUPERINTENDENT'S REMARKS.	EXTRACT FROM POLICE RECORDS.	LIEUTENANT-GOVERNOR'S DECISION.
694	560	Jedburgh, 24 April 1828.	7	W. Bryan, Esq. J. P.	W. Bryan, Esq. J. P.	Has not served the regulated period. (signed) *J. S.*	-- *Transported for horse-stealing: Gaol Report, "in custody before for arson."—Hulk Report, "orderly." Stated this offence, horse-stealing. I was not taken up for arson.* Hath no offences on record.	When he shall have served the regulated period. (signed) *G. A.*
695	522	Somerset, 5 August 1826.	Life	Mr. Rd. Lewis, M. G. Flint, W. Crowther, Esq. W. T. L. Lloyd, and J. G. Jennings, Esq.	Mr. Rd. Lewis.	-- This man has only served about half the regulated period; but from the strong certificates adduced of his conduct at the late fire at his master's house, I would recommend some period to be fixed when the indulgence may be granted; but with such a police character, I think it cannot consistently be done now. (signed) *J. S.*	-- *Transported for burglary: Gaol Report, "convicted before."—Hulk Report, "good." Stated this offence, housebreaking; once nine months for silk, in Taunton Gaol.* June 15th, 1829 (Lewis): Out after hours, and representing himself to be a free man; seven days tread-wheel, and returned to his master. 24th June 1829 (Lewis): Absent from his master's premises without leave; 25 lashes. 4th July 1829 (Lewis): Appears to complain of ill-treatment from his master, for which there appeared no foundation, and Richards is admonished to be more careful and attentive to his duty. 17th July 1829 (Lewis): Conveying provisions to the men confined in the tread-wheel ward, contrary to orders; 25 lashes. 19th June 1830 (R. Lewis): Absent from his master's service all day yesterday without leave, insolence to his master and mistress, and neglect of duty; 14 days tread-wheel, and returned to his service. 5th April 1831 (Lewis): Absent from his master's premises without leave; 25 lashes. 27th January 1832 (R. Lewis): General disobedience of orders, but more particularly yesterday, when he refused to go into the cellar on being directed so to do; cell, on bread and water three days.	Refused. His conduct at the fire is a good reason for his master's doing him some service when he obtains a ticket; but with such a character I cannot think him entitled to a ticket before the regulated period, and even then, unless there had been this favourable circumstance, he must have been deemed unworthy of indulgence. (signed) *G. A.*
696	539	Lancaster, 16 July 1827.	7	Mr. A. Whitehead, F. Roper, Esq.	Mr. A. Whitehead.	I do not recommend. (signed) *J. S.*	-- *Transported for stealing money: Gaol Report, convicted January 1827, "behaved well in Gaol."—Hulk Report, "orderly." Stated this offence, robbing the office of Kay & Derbyshire. Once for stealing part finished hats, four months, New Bailey.* March 22, 1832 (Whitehead): Stealing from the person of Thomas Healey, a one pound bank note of the value of 20 *s.*, and 13 *s.* in silver, of the goods and chattels of the said Thomas Healey, during the night of the 20th March or the following morning; discharged. 23d April 1832 (Whitehead): Absent from his master's premises the whole of one afternoon without permission; reprimanded and discharged.	Refused. (signed) *G. A.*

697	526	Lancaster, 5 November 1827.	7	- - -	P. Works Loan Gang, sawyer.	I cannot recommend. (signed) *J. S.*	-- *Transported for felony: Gaol Report, "twice before convicted."—Hulk Report, "good." Stated this offence, stealing a coat. Once four months for chairs, twelve months as a vagrant, rogue and vagabond.* 6th October 1828: Creating a disturbance in his ward on Saturday night last; tread-wheel seven days. 13th November 1828 (Miller): Disobedience of orders this day on leaving work, when ordered not to do so; reprimanded. 13th July 1829 (Prisoners' Barracks, P. B.): Falling out of the ranks after being mustered for church yesterday; tread-wheel, ten days. 16th November 1829: Drunk in prisoners' barracks on Saturday night last; tread-wheel, 14 days. 15th February 1830 (P. B.): Drunk in P. B. last night; reprimanded. 25th August 1831 (on loan to J. Spode): Gross neglect of duty and disobedience of orders whilst on loan to Mr. Spode, as sawyer, in not performing the task he undertook for him, and sawing timber for another person whilst so on loan to Mr. Spode as sawyer; 75 lashes. 5th December 1831 (on loan to J. Spode): Neglect of duty to cut 400 feet of stuff beyond his government work, in the ensuing fortnight, on account of Mr. Spode. 3d September 1832 (on loan to Giblin): Drunk at the Rose and Crown public-house during Divine Service; tread-wheel six days.	Refused. (signed) *G. A.*
698	943	Middlesex, 15 February 1827.	7	T. Archer, Esq.	T. Archer, Esq.	-- Has served the regulated period; but from his master's certificate, I do not recommend until the Queen's birth-day. (signed) *J. S.*	-- *Transported for larceny: Gaol Report, "here before."—Hulk Report, "good." Stated this offence, stealing lead. Once in custody for horse-stealing.* 2d February 1829 (T. Archer): Leaving his master's premises yesterday afternoon without leave, and going to the house of John Powell, and there remaining an hour and a half; reprimanded. 6th May 1829 (T. Archer): Disobedience of orders, neglect of duty, and idleness and insolence; 25 lashes.	A ticket on the Queen's birth-day. (signed) *G. A.*
699	12	Bury St. Edmund's, 1812.	Life	Mr. J. Herbert.	Mr. J. Herbert.	I cannot recommend. (signed) *J. S.*	*No Gaol or Hulk Report received.* 11th October 1816: Absent from public labour 11 days; 100 lashes. 19th April 1817: Stealing soap in the dwelling-house of Mr. Ferguson; three months chain-gang. 14th October 1817: Neglect from duty, absent from muster and his lodgings; 50 lashes. 9th March 1818: Drunk; confined seven nights in gaol. 12th February 1822 (Public Works): Trespassing on the premises of Mr. Heaney, and being absent from his lodgings after nine o'clock at night; to work the same hours as the gaol-gang for one month, and to be confined at nights. 14th May 1822 (R. Hall): His master not appearing upon being called, returned to public works. 30th September 1822 (P. W.): Drunk and disorderly, and absent from his lodgings at night; 25 lashes. 26th August 1823 (P. W.): Obtaining by false pretences one bushel and a half of wheat, the property of Allison; 50 lashes, and extra labour three months. 28th August 1823: Neglect of duty; 25 lashes. 19th December 1823 (P. B.): Riotous and disorderly conduct in P. barracks, particularly last Sunday and yesterday evening; 25 lashes. 16th August 1824 (Dr. Bromley's clearing gang): Absent from the hut on Saturday night last at 7 o'clock; reprimanded. 20th January 1825 (Hangarve): Having a bag of potatoes in his possession without being able to give a satisfactory account of the same; 50 lashes, and 3d Class prisoners' barracks. 19th February 1827 (Kimberley): Not proceeding to his master's service agreeably to his pass, received from the Police Office on Thursday last; chain-gang one month, and returned to his master. 19th December 1827 (Kimberley): Ordered to be placed on public works, being found in Hobart Town without due authority. 30th April 1828 (Prisoners' Barracks): Absconding from the P. B. and remaining absent about three weeks, until apprehension by R. Upon and John Bennett, assigned to Peter Graham at the Broad Marsh; 3 months chain-gang. 30th August 1828 (P. Barracks): Not bringing back Rd. Pemglin from the Police Office last night, and coming into the barracks intoxicated; 25 lashes. 10th December 1828 (P. B.): Absconding from the P. B. on the 10th November, and remaining absent; apprehension in the Coal River District on the 27th November; No. 1, chain-gang, six months. 8th December 1828 (Public Books): Absconded from P. B., forwarded to the Principal Superintendent. 13th December 1828 (Public Works): Having a pig in his possession, of which he cannot give a satisfactory account; Macquarie Harbour three years. 8th January 1833. (signed) *Thos. Mason.*	Refused. (signed) *G. A.*

RETURN of APPLICATIONS made by the Principal Superintendent of Convicts for Tickets of Leave, for the Month ending 30th November 1832—*continued.*

Number of Memorial.	Police Number.	WHEN and WHERE TRIED.	Sentence.	BY WHOM RECOMMENDED.	HOW EMPLOYED.	PRINCIPAL SUPERINTENDENT'S REMARKS.	EXTRACT FROM POLICE RECORDS.	LIEUTENANT GOVERNOR'S DECISION.
700	62	Warwick, 6 August 1825.	Life	Lieuts. Hill & Simmons, Capt. Nielly, Dr. Ross, Lieut. Gunn, Mr. J. Hobbs, Capt. Moriaty.	Clerk Marine Department.	Has not served the regulated period. (signed) *J. S.*	- - *Transported for stealing wearing apparel: Gaol Report, "unknown."—Hulk Report, "good." Stated this offence, breaking open boxes, stealing wearing apparel.* Hath no offences on record.	Refused. (signed) *G. A.*
701	122	Warwick, 28 March 1818.	Life	Mr P. Munro	Mr. P. Munro	I cannot recommend. (signed) *J. S.*	- - *Transported for forgery: Gaol Report, "bad character."—Hulk Report, "none."* August 3, 1825 (Punt): Absconding from P. W. Punt, South estate, between 10th and 25th July; Maria Island. March 15, 1824 (P. Works): Absenting himself from the Punt on Wednesday night last, and very frequently gambling; 50 lashes, and one month gaol gang. August 8, 1824: Absconding himself from the chain gang; reprimanded. April 10, 1825: Mutinous conduct, and assaulting his overseer; 50 lashes. April 28, 1825: Playing cards in the Punt; 25 lashes. October 12, 1825: Breaking into a cask of flour, and stealing part thereof on his passage to the settlement in the Prince Leopold; 50 lashes, and to work in irons during pleasure; discharged, 17th October. December 8, 1829: Gambling yesterday (Sunday) afternoon; chain gang one month. March 29, 1832 (Munro): Disobedience of orders this morning; cell, on bread and water 48 hours. April 25, 1832 (Munro): Assaulting his fellow servant, Elizabeth Marshall, and biting her arm; two dozen lashes on the breech.	Refused. (signed) *G. A.*
702	367	Middlesex, 14 Feb. 1821.	Life	Lieut. Hill	Marine Department	- - This man has had charge of one of the Government sloops for some considerable time, and is reported by the late port officer to have been punctual and honest in the discharge of his cargoes at the various places on the coast to which he has been sent; I therefore recommend. (signed) *J. S.*	- - *Transported for assault and rescue, having previously had the benefit of clergy: Gaol Report, "bad character, has been transported before."—Hulk Report, "orderly," no confession taken.* December 18, 1821: Refusing to perform his work, and neglecting to do so; acquitted. December 31, 1821: Neglect from duty, and absent from muster; 25 lashes. November 21, 1826: Government schooner, stealing five bars of soap, the property of Thomas Brett; discharged. March 16, 1827 (Prisoners B.): Absent from the P. B. the whole of last night; reprimanded. September 28, 1827: Boat's crew coming from Bucks Bay not having his proper cargo of timber, and with taking in timber belonging to private individuals on his way up; chain gang one month. October 1, 1827 (Chain Gang): Neglect of duty this morning; sentence extended in chain gang seven days. December 14, 1830 (Public Works): Violently assaulting John Askin on board the cutter Charlotte this morning, and during the scuffle, striking the said John Askin with a knife; 12 months hard labour.	- - Although he has served 11 years, I fear he is not a character to be depended upon, but I approve of giving him a trial. (signed) *G. A.*
703	478	Hereford, 25 March 1822.	Life	J. Archer, Esq.	J. Archer, Esq.	I do not recommend. (signed) *J. S.*	- - *Transported for burglary: Gaol Report, "disorderly, and very bad temper."—Hulk Report, "orderly." Stated this offence, housebreaking, and in gaol before three weeks for breaking into a granary at Lancaster, but acquitted.* September 3, 1827 (J. Archer): Absent from his master's premises without leave; neglect of duty, and insolence to his overseer; 25 lashes, and three months chain gang. December 4, 1827 (J. Archer): Disobedience of orders, and insolence to his master; chain gang four months. May 10, 1831 (Archer): Feloniously shooting at and wounding a bullock, value 10*l.*, the property of his master; committed for trial at quarter sessions. September 26, 1831 (Quarter Sessions): Maliciously shooting at a bull, property of Joseph Archer, Esq.; acquitted. July 19, 1832 (J. Archer): Feloniously stealing two blankets and other articles of goods, &c. of Christopher James; discharged.	Refused. (signed) *G. A.*

704	525	Lancaster, 20 March 1822.	14	- - -	P. Works, Watchman Col. Sec. Office.	I cannot recommend. (signed) *J. S.*	- - *Transported for uttering forged notes: Gaol Report, "orderly."—Hulk Report, "orderly." Confessed this offence, uttering forged notes.* January 24, 1827 (Hospital): Allowing Isabella Williams, when in his custody, to get intoxicated; chain gang one month. May 4, 1829 (Watchman Hospital): Permitting R. Leatherbarrow to come into the hospital intoxicated without reporting him; to be mulcted of 20*s.* of his next quarter's salary. December 16, 1829 (Watchman Hospital): Appearing drunk yesterday when called as a witness before the principal superintendent of convicts; T. Wheel, seven days. May 5, 1831 (Watchman): Repeatedly drunk while on duty at the hospital, particularly when sent to the jetty for some scorbutic patients, landed from the government brig Eliza, by allowing those with him to get intoxicated, as also getting intoxicated himself; discharged from the hospital as being unworthy to be intrusted with the duty of his situation as watchman.	Refused. (signed) *G. A.*
705	539	Notts, 15 March 1822.	Life	Mr. R. Taylor	Mr. R. Taylor	I do not recommend. (signed) *J. S.*	- - *Transported for stealing beasts: Gaol Report, "indifferent."—Hulk Report, "behaved well." Confessed this offence, stealing bullocks.* September 8, 1823: Drunk and disorderly; 25 lashes. May 10, 1824 (Bromley): Absent from his lodgings at 11 o'clock last night; 25 lashes. March 24, 1825 (Dr. Bromley): Suspicion of killing cattle and sheep at New Town, a quantity of fat being found on him; P. B. third class. June 7, 1828 (P. W.): Found in a disorderly house yesterday evening; 12 months Maria Island. April 1, 1827: Stealing various articles from the wreck of the brig Apollo; 100 lashes.	Refused. (signed) *G. A.*
706	543	Surrey, 30 Dec. 1822.	Life	Mr. Hugh Mackey, Mr. H. Cordell, Mr. R. Neill.	Mr. Hugh Mackey	I do not recommend. (signed) *J. S.*	- - *Transported for felony: Gaol Report, "unknown."—Hulk Report, "orderly." Confessed this offence, stealing a horse.* January 17, 1825 (Jillett): Disobedience of orders; no pros^{r}; sent to P. B. first class. April 14, 1828: Disobedience of orders; 25 lashes. October 27, 1828: Embezzling Government property, namely, flour issued by the storekeeper for the purpose of making bread for the settlement; 50 lashes, and to work in the G. gangs. November 15, 1830: Disobedience of orders; 25 lashes. July 1, 1825 (Quarter Sessions): Embezzling 2*s.*, the money of his master, Geo. Guest; Penal Settlement, three years and hard labour.	Refused. (signed) *G. A.*
707	710	Lancaster, 5 March 1825.	Life	Mr. J. Browne, F. Roper, Esq.	Mr. J. Browne	Has not served the regulated period. (signed) *J. S.*	- - *Transported for highway robbery: Gaol Report, unknown.—Hulk Report, "orderly." Stated this offence, highway robbery.* March 27, 1826 (Peel and Hume): Insolence, and disobedience of orders this morning, and coming to Hobart Town without a pass; 50 lashes. September 20, 1826 (Peel): Insolence to his master, and threatening him this morning; Maria Island 12 months. April 1, 1827: Stealing various articles from the wreck of the brig Apollo; 100 lashes.	- - Even had he served the regulated period, his application, with such offences, could not have been granted. Refused. (signed) *G. A.*
708	478	Northampton, 17 July 1823.	Life	Mr. M. Lackey	Mr. M. Lackey	I do not recommend. (signed) *J. S.*	- - *Transported for housebreaking: Gaol Report, "a very bad character." — Hulk Report, "double-ironed, and received 12 lashes for attempting to escape; bad." Stated this offence, housebreaking; once in gaol at Notts for fighting; received 12 lashes for attempting to escape.* February 27, 1826: Neglect of duty, and disobedience of orders; 50 lashes, and third class P. B. August 6, 1830 (Lackey): Absent without leave on Friday week last, and returning home intoxicated, and also absenting himself without leave on Tuesday last; No. 1 chain gang, and returned to his master. September 1, 1830 (P. B.): Absent from master in the P. B. last night; tread-wheel 10 days, and to be imprisoned three months; punishments suspended at the instance of Lieut. Gunn. May 12, 1831 (Lackey): Insolence to his overseer, and disobedience of orders; rep^{d} and discharged. 8th January 1833. (signed) *Thos. Mason.*	Refused. (signed) *G. A.*

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(continued.)

RETURN of APPLICATIONS made by the Principal Superintendent of Convicts for Tickets of Leave, for the Month ending 30th November 1832—*continued*.

Number of Memorial.	Police Number	WHEN and WHERE TRIED.	Sentence.	BY WHOM RECOMMENDED.	HOW EMPLOYED.	PRINCIPAL SUPERINTENDENT'S REMARKS.	EXTRACT FROM POLICE RECORDS.	LIEUTENANT GOVERNOR'S DECISION.
709	158	Devon, 10 August 1829.	7	Mr. W. Watchorn, Mr. H. Chapman, Mr. J. J. Crouch, Mr. John Swift.	Mr. W. Watchorn.	I cannot recommend. (signed) *J. S.*	-- *Transported for stealing from the person: Gaol Report, "good." Stated this offence, stealing two sovereigns from the person.* July 1, 1830 (C. Abbott): Absconding from her service on the 8th June last, and remaining absent until apprehended this morning by Constable Swift in the house of Thomas Turner and William Howard; cell on B. & W.; seven days, and crime class six months house of correction.	Refused. (signed) *G. A.*
710	412	Middlesex, April 5, 1827.	7	Mr. J. A. Brown, J. L Archer, Esq.	P. Works, Carpenter.	-- Has served the regulated period; certified by the engineer by whom he is employed. I recommend. (signed) *J. S.*	-- *Transported for Larceny: Gaol Report, "in Newgate before."—Hulk Report, "indifferent." Stated this offence, stealing a hand-saw and some carpenter's tools.* Hath no offences on record.	Approved. This man's case ought to have been earlier brought under consideration. (signed) *G. A.*
711	241	Glasgow, 18 Sept. 1822.	14	Lieut. Gibbons, J. D. Lord, T. C. Brownell, Esqrs.	Port Arthur -	-- I am at a loss to conceive what Capt. Foster means; I believe I am bound to forward every memorial. I wish it were not so; a great deal of trouble would be saved to all parties; however I quite agree that he is not a fit subject for a T. L. (signed) *J. S.* How this application came to be inserted I cannot conceive. See my Mem° dated Nov. 1832. (signed) *M. F.*	-- *Transported for stealing in a dwelling-house: Gaol Report, "not known before; orderly."—Hulk Report: "orderly." Stated this offence, stealing in a dwelling-house.* September 24, 1825: Neglect of duty, and threatening to strike Mr. Bane, his overseer; 50 lashes, and to work in irons during pleasure. July 23, 1829 (P. W.): Absconding from P. W. on Saturday last, and remaining absent until apprehended this morning by Constable Swift in Hobart Town; 50 lashes, and returned to Maria Island. September 21, 1829 (N° 1, Chain Gang): Defacing his irons, 25 lashes. February 1, 1830: Striking a prisoner named John Holloway, and abusing him for doing so much Government work as a bricklayer, in building the new Prisoner's Barracks; chain gang two months. August 30, 1830 (Maria Island): Absenting himself from the P. W. on the morning of the 7th instant, and remaining absent until the evening of 8th instant; chain gang six months. December 10, 1830: Obstructing and assaulting the chief and petty constables in the execution of their duty; 50 lashes.	Refused. (signed) *G. A.* The memorial was very properly brought under consideration; the principal superintendant is bound indeed to allow every man an opportunity of appealing to the Government by petition. (signed) *G. A.*
712	305	Warwick, 27 March 1824.	14	J. C. Sutherland, L. Gilles, J. Simpson, R. Willis, Esqrs.	F. Police, Campbell Town.	-- On reference to the man's memorial, I find that Captain Foster's observation above intends to allude to this Petition; but as I have before observed, I am bound to forward all petitions; he will not however, from the sentence of the C. P. M. be eligible until next November. (signed) *J. S.*	-- *Transported for house-breaking: Gaol Report, "unknown."—Hulk Report, "orderly." Stated this offence, house-breaking.* August 15, 1828 (F. Police): Gross neglect of duty in allowing two prisoners fully committed to take their trial, whom he had in charge to convey from Campbell Town to Launceston, to remain in the Crown Inn all Saturday night; also with allowing them to get drunk on Sunday morning, when they were incapable of proceeding to Launceston; to forfeit his salary due, and suspended from his office until the pleasure of his Excellency is known. April 11, 1831 (T. Police): Neglect of duty; fined 10*s.* July 11, 1831 (T. P.): Neglect of duty; fined 10*s.* January 28, 1832 (T. P.): Neglect of duty; fined 20*s.* Nov. 24, 1832 (Police): Drunk, and very disorderly in a public house; application for his T.L. to be withdrawn for 12 months.	Refused. (signed) *G. A.*

713	136	Warwick, 27 March 1820.	14	- - -	P. Works Loan Gang, Sawyer.	- - Has already been answered in the affirmative on a former memorial. (signed) *J. S.*	- - *Transported for felony: Gaol Report, "unknown;" —Hulk Report, "orderly."* June 11, 1823: Constable asleep when on duty at the gaol in George Town, on the night of Friday the 7th instant: dismissed from situation of constable, and returned to Government labour. February 24, 1825 (P. W.): Conveying wine into the hospital; ordered to be confined in the watch-house one fortnight. March 1, 1825: Absenting himself from the watch-house last night: to be confined seven days in the watch-house after sunset. July 18, 1825 (P. W.): Having four pieces of huon pine in his possession, knowing them to have been stolen; committed for trial before a general sessions, after to be removed to Macquarie Harbour for two years from the date of his arrival. April 15, 1829 (Hector): absent from his lodgings at ten o'clock last night, and found in a disorderly house; adm^{d}. August 17, 1829 (Hector): Gross insolence; working for others without his master's consent, and using obscene language; seven days solitary confinement on bread and water in the gaol at Richmond. September 10, 1829 (Hector): Absconding from Mr. Hector's service on the 31st August, apprehended in Gibb's parish, Oatlands, on the 3d September by William Parks, of Ivigenson's aboriginal roving party; six calendar months chain gang, Oatlands.	- - He seems a very bad character; there must have been strong grounds for acceding to his petition. (signed) *G. A.*
714	872	Hereford, 25 March 1828.	Life	- - Mr. H. M. Horvills, Mr. J. H. Patterson, Mr. Thos. Roadnight, A. Reid, D. Wentworth, Esqrs.	Mr. T. Roadnight.	- - Has only served half the regulated period; but from the adjoined certificate it appears that he behaved well in the capture of a black native. His Excellency will therefore best know how to appreciate such service. (signed) *J. S.*	- - *Transported for robbery: Gaol Report, "committed before, a very idle character."—Hulk Report, "indifferent." Stated this offence, stealing in a dwelling-house, a bad house. Once six months in prison for a bad sovereign.* March 30, 1829 (Patterson): Insolent, and under the effects of liquor; rep^{d}. May 27, 1829 (Patterson): Very much under the effects of liquor, and neglecting his master's work, and riotous conduct; 50 lashes. October 16, 1829 (Patterson): Absent from his work without leave; severely reprimanded. July 19, 1830 (Patterson): Insolent to his master Mr. Robert Patterson; 10 days solitary confinement on bread and water. April 5, 1831 (Patterson): Repeated insolence to his master; six weeks imprisonment and hard labour.	A ticket; approved. (signed) *G. A.*
715	183	Wilts, March 1819.	Life	- - Mr. A. Henderson, Mr. A. Neilson, Mr. R. Clark.	Mrs. Towers.	I cannot recommend. (signed) *J. S.*	- - *No Gaol or Hulk Report received.* October 26, 1822: Imposing upon, and deceiving the superintendent of Crown prisoners, by presenting wrong complaints against his master Michael Dunn; T. L. to labour in G. gang one month. January 25, 1823: Having in his possession divers articles, the property of James Gutchouse, knowing the same to have been feloniously stolen; 50 lashes. January 5, 1824 (P. W.): Having made a false and injurious representation of language against D. A. C. General Roberts; to work over hours one month. September 28, 1824 (P. W.): Neglect of duty; to work over hours one week. February 9, 1825 (P. W.): Neglect of duty; 25 lashes. March 29, 1825: Riding in a cart drawn by bullocks without reins to guide the same; fined 10*s*. and expenses. October 7, 1826 (R. White): Riding in a cart drawn by bullocks without reins to guide them; fined 10*s*. January 16, 1830 (R. White): Disobedience of orders, and absenting himself from his master's premises; chain gang one month. August 4, 1830: Drunkenness and neglect of duty; three months chain gang. July 16, 1831 (P. W.): Drunkenness; one month's imprisonment, and hard labour. July 28, 1831 (Ch. Gang): Disobedience of orders; rep^{d}. August 30, 1831 (P. W.): Idleness; one month's imprisonment, and hard labour. May 21, 1832 (Towers): Drunk; one month's imprisonment, and hard labour.	Refused. (signed) *G. A.*
716	605	Glamorgan, 6 April 1824.	Life	T. Archer, Esq.	T. Archer, Esq.	- - Has served the regulated period with one offence only; his master, Mr. Archer, certifies in his favour. I recommend. (signed) *J. S.*	- - *Transported for sheep-stealing. Gaol Report, "bad character, attempted to escape."—Hulk Report, "orderly." Stated this offence, sheep-stealing; once in the dark-house four days for a child.* June 3, 1826 (T. Archer): Drunk and disorderly; reprimanded. 8th January 1833. (signed) *Thos. Mason.*	A ticket; approved. (signed) *G. A.*

(continued.)

RETURN of APPLICATIONS made by the Principal Superintendent of Convicts for Tickets of Leave, for the Month ending 30th November 1832—*continued*.

Number of Memorial.	Police Number.	WHEN and WHERE TRIED.	Sentence.	BY WHOM RECOMMENDED.	HOW EMPLOYED.	PRINCIPAL SUPERINTENDENT'S REMARKS.	EXTRACT FROM POLICE RECORDS.	LIEUTENANT GOVERNOR'S DECISION.
717	288	Chester, 23 Aug. 1820.	Life	Captain Robertson, W. Fletcher, Esq.	Captain Robertson.	- - I cannot so soon recommend the restoration of this man's ticket. (signed) *J. S.*	- - *Transported for burglary: Gaol Report, "very bad character; an acquaintance of Huffey White's."—Hulk Report, "orderly;" conduct on board Lady Ridley, "irregular."* - - September 6, 1824 (P.W.): Out after hours last night. P. B. 1st class, August 6, 1831 (T. L.): Riding violently Mr. Bryant's mare, heavy in foal, and with working Mr. Bryant's bullocks without his consent; discharged with an admonition only. April 17, 1832 (T. L.): Suspected of robbery in the house of H. Bilton; discharged, but there being no doubt, though a deficiency of legal proof, of his guilt, his T. L. is recommended to be taken from him, and it is suspended until the pleasure of his Excellency be known.	Refused. (signed) *G. A.*
718	325	Gloucester, 4 April 1821.	Life	Mr. J.T. Lempriere, Lieut. Gunn.	P. Barracks.	I cannot recommend. (signed) *J. S.*	- - *Transported for stealing a watch: Gaol Report, "supposed common pickpocket."—Hulk Report, "orderly."* - Aug. 10, 1825 (R. Corney): Absconding from his master's service last Friday fortnight, and remaining absent till apprehended on the 7th inst. in Hobart Town; 50 lashes, and Maria Island. Oct. 17, 1827: Absenting himself from the P.W., and attempting his escape from the settlement; confined until the Lieut.-Governor's pleasure was known and forwarded to Hobart Town, 6 Dec. 1827. June 29, 1831 (Bamber): Neglect of duty; reprimanded. July 25, 1831 (Bamber): Neglect of duty in omitting to bring up a boat in his charge, which he could and ought to have done on Friday last, from Ralph's Bay; 25 lashes, suspended. February 1, 1832 (Bamber): Absent without leave from his master's service; 25 lashes.	Refused. (signed) *G. A.*
719	132	Somerset, 28 March 1829.	Life	Major Gray, J. England, Esq. P. M.	Major Gray.	- - Has served more than three years in her present service, that of Major Gray; as it is so unusual for a female to be that length of time without offence, and from the conduct she has pursued in that family, I recommend. (signed) *J. S.*	- - *Transported for stealing a cloak:—Gaol Report, "twice before committed; bad character and connexions." Stated this offence, stealing a cloak from a door; got life; committed before, served seven months, came out in August, and apprehended in February.* Hath no offences on record.	- - She has not served long enough; she must serve at least 18 months longer. (signed) *G. A.*
720	1003	London, December 1826.	Life	M. L. Smith, Esq.	F. Police, Norfolk plains.	- - From the C. P. M.'s certificate in the memorial, he is not entitled. (signed) *J. S.*	- - March 12, 1832 (F. Police): Gross neglect of duty on the 10th inst.; reprimanded. Sept. 10, 1832 (F. Police): Disobedience and neglect of duty to serve six months additional in the Field Police. - - *Transported for housebreaking: Gaol Report, "in Newgate before."—At Hulks, "orderly." Confessed this offence, housebreaking.*	Refused. (signed) *G. A.*

721	39	Lincoln, August 1813.	Life	M. Foster, Esq. -	Special service, under Mr. Alexander M'Geary.	-- This man is specially employed under Alexander M'Geary, in cutting the new road to the westward, and under promise of indulgence. (signed) *J. S.*	-- June 6, 1820: Absent from muster, and found drinking in a public-house in Divine Service; rep^{d}. May 8, 1821 (T. L.): Appearing dirty at muster for church; rep^{d}. March 10, 1823 (T. L.): Absent from muster and church on Sunday week; rep^{d}. October 2, 1826 (T. L.): Out after hours Saturday night, at nine o'clock; rep^{d}. January 29, 1824 (T. L.): Insolent, and indecent language and conduct towards Mary Blackwood; to forfeit his ticket of leave, 50 lashes, and returned to P. W. October 12, 1829 (T. L.): Harbouring the wife of Arthur Harwood; discharged, no prosecutor. Nov. 30, 1829 (T. L.): Absent from muster and church, and being drunk and disorderly in the street between one and two o'clock; T. L. suspended for three months. Dec. 23, 1829 (Watchman, P. B.): Drunk at muster last night; tread-wheel 14 days. June 14, 1830 (Survey Department): Found in a disorderly house, kept by Mrs. Whitehead, after hours on Saturday night; tread-wheel 10 days, and to sleep in the P. B. Aug. 9, 1830 (M'Intosh): Out after hours last night, and being disorderly; recommended that his T. L. be suspended for three months; afterwards withdrawn altogether. (*Vide* Col. Sec. Mem. $\frac{6350}{190}$. Nov. 21, 1832 (M'Intosh): Absenting himself two days and two nights without leave; admonished. *No Gaol or Hulk Report received.*	-- A ticket after he has completed the service on which he is employed; but he must be strongly warned of the consequence if he again forfeits his ticket. (signed) *G. A.*
722	108	Surrey, October 1825.	14	Rev. Mr. J. Hutchinson. A. Turnbull, Esq	Female House of Correction.	-- This female is at present in the House of Correction under sentence, and as the surgeon of that establishment wishes her to take the situation of nurse at the hospital, a special report will be made on her case. (signed) *J. S.*	-- April 16, 1829 (Rev. W. Bedford): Drunk and disorderly last night; crime-class, House of Correction. April 1831 (T. G. Gregson): Breaking into a dwelling-house of T. G. Gregson, Esq. at Risdon, on 13th March last, and stealing therein three quarts of wine, value 2*s.* 3*d.* the property of the said T. G. Gregson; committed for trial. *Transported for stealing a silver tea-pot, &c.: Gaol Report, "bad;" was capitally convicted at Newgate, and sent to the Penitentiary" Stated this offence, stealing a silver tea-pot and other things; once for stealing a cash-box with cash. I received sentence of death, and served two years at the Penitentiary.*	-- However useful she may have been as a nurse, her offences in the Colony, and character at home, preclude indulgence. (signed) *G. A.*
723	507	Lincoln, October 1826.	–	- - -	Mr. J. B. Burnley	-- There is something mysterious in the quarrel between this man and his master, which I am not able to arrive at. A ticket was ordered for him but was stopped, in consequence of the offence recorded in June 1832. I beg to call his Excellency's attention to the latter part of Captain Smith's letter, annexed to the petition, and under that consideration, as the man has served above the regulated period, and withal a married man, I recommend a ticket for him on the Queen's birth-day. (signed) *J. S.*	-- Dec. 29, 1831 (M'Leod): Neglect of duty and insolence to his master on the 27th instant; three months imprisonment and hard labour. January 27, 1832 (Chain Gang): Carelessly breaking his tools; charge dismissed. June 30, 1832 (M'Leod): Disobedience of orders, and neglect of duty; 50 lashes. *Transported for stealing turkeys, &c.: Gaol Report, "a bad character;" in ship, "very bad." Confessed this offence, stealing geese and turkeys.* 8 January 1833. (signed) *Thos. Mason.*	-- I quite concur in the observation made in the latter part of the Police Magistrate's letter attached to the petition; still his character, in England and during the voyage as a transport, was very bad, and he has properly enough been kept in servitude. But as he will be free in October, he may now have a ticket. (signed) *G. A.*

No. 9.

COPY of a DESPATCH from Lieutenant-Governor *Arthur* to Viscount *Goderich*, &c. &c. &c.

Van Dieman's Land, Government House.
My Lord, 15th February 1833.

IN my Despatch of the 10th October last, I had the honour to communicate the determination of abandoning the Penal Settlement of Maria Island; I now beg to report to your Lordship that the measure was, during the last year, fully carried into effect, and, in October last, the island was let for the period of twelve months; and as soon as a perfect survey is completed, it will be disposed of by public sale.

The same reasons which influenced me to abandon Maria Island, have, with other important considerations which did not relate to that Settlement, determined me to abandon Macquarie Harbour also.

The great advantages which have been derived from Macquarie Harbour as a Penal Settlement, have led me to hesitate very much in coming to the determination of abandoning it; and by the accompanying Reports of a Committee, and of other public officers individually, whose duties enable them to form the best judgment upon the subject, your Lordship will perceive that I have endeavoured to move in this matter with all the caution which the importance of the subject demanded. The filling up of the Bar at Macquarie Harbour rendering the navigation dangerous; the length of the passage between it and Hobart; the expense of carrying provisions; the opening of the country between the Derwent and the Gordon Rivers, affording increased facilities for runaways to escape into the settled districts; the great distance, precluding the supervision of the local government; the want of variety in the soil, and of products, preventing classification and diversity of employment in its different degrees of severity, and the expense of having two Penal Settlements in an imperfect state instead of one supplied with every thing requisite for control, employment, punishment and reform; have altogether induced me to direct the abandonment of Macquarie Harbour, and to devote my attention to all the measures best calculated to render "Tasman's Peninsular," which I have found both by the reports of others and by personal examination, to possess very great natural advantages, and is, indeed, a natural penitentiary, so complete in its establishment, as to ensure in a very great degree, both certainty and severity of punishment; it is free from every objection raised by the Committee in their Report to Parliament, against hulks, gaols and penitentiaries, and every other place of imprisonment and confinement in England.

A more perfect survey of the Peninsula is now in progress; but the plan which I have the honour to transmit will enable your Lordship to form an opinion of its capabilities as a penitentiary, containing within its sea-girt walls above 100,000 acres of land, for the most part mountainous and unprofitable, but covered with timber, and admirably situated from its general dreary and uninviting aspect for all the purposes of penal discipline.

The regulations for "Port Arthur," which I have the honour to transmit, will put your Lordship in possession, in some degree, of the system of punishment contemplated for this Settlement, and already to a considerable extent in operation there. To this establishment such individuals may be sent, as deserve transportation to a Penal Settlement on account of offences, or are from any circumstances in their history, education or habits, likely to cause insubordination or any other mischief, if allowed to remain in the settled districts.

The clerks, or specials or gentlemen convicts, are a class who have never created so much annoyance here as at Sidney; but the proper management of them appears to have formed a question of some interest in England; and it has been stated that it is impolitic to retain them there on account of their friends, or to send them to the Colonies, on account of their disposition to sow sedition, and to excite bad feeling, more particularly as their qualifications might obtain for them situations which would confer upon them some little importance in the eyes of their fellow convicts.

I have never experienced any such inconvenience from the educated convict; nor have I observed that any of them possess influence; nor if they did, do I imagine that, constituted as the community is, they could ever turn it to any great account to the injury of the Government or the public, even were they inclined so to do. They are, however, ill-conducted, and their reformation is perhaps more hopeless than that

that of any other class, insomuch as they are *usually* confirmed drunkards. Some of them have been employed in the public offices, a practice which I exceedingly deprecate, as they do little work, and are disposed to embezzle the public property in order to purchase drink; while their being set apart for such light duties, breaks in upon the general system at a time when much more efficient clerical assistance could be obtained, at the rate of five or six shillings per diem, from among the many respectable young men who are now daily arriving.

It has been said that the educated convict should not be put to hard labour, nor degraded to the same condition with the illiterate or vulgar criminal, because his physical strength does not admit of his performing equal labour without suffering far greater fatigue, and because the privations and general condition of the ordinary convict must operate as a much greater punishment upon him than upon the inferior classes, though it is not equitable that individuals should suffer in different degrees for similar offences.

I submit that however specious such reasoning may be, it proceeds in a great measure upon the assumption of fallacies. The severity of the punishment rendered by our laws consequent upon the commission of crime, has no reference to the degree of wickedness of the individual who commits it; indeed, punishment in its true sense and meaning is the prerogative of the Almighty alone. Man endeavours to prevent by Penal Laws those acts which are adverse to the interests or supposed interests of society. If the criminal acts of an educated man are more adverse to the interests of society than those of a mere clown, although intrinsically similar, it is perfectly consistent with our notions of justice that the gentleman should be deterred from committing offences by a severer retribution than would be inflicted upon his inferior under the same circumstances. The educated convict, I submit, has no claim to be treated in these Colonies with more consideration than individuals of any other class, unless indeed it can be shewn that his constitution is incapable of enduring equal fatigue. But this I am quite satisfied is not the case. The town-bred convict, the weaver, who has long breathed the air of an unhealthy factory, and the regularly-bred thief, have been exposed to causes every way as much calculated to enfeeble their frames and to disqualify them from hard labour, as the mode of life incidental to the condition of an educated man or gentleman; yet they, after a certain period, become robust in the interior; and in like manner there are several individuals who belong to the class of educated convicts now in the chain-gangs under sentence, who endure the hard labour to which they are put quite as well as those who have been accustomed to labour from their infancy. These convicts would not, at Port Arthur, become acquainted unavoidably with matters which should never come to their ears, neither would they be enabled to walk about the town in the dress of gentlemen, filling up the gulf which should separate in appearance as well as in reality the bond from the free. Whereas they are at present as it were the link by which the free and the bond are so amalgamated as to make the distinction betwixt slavery and freedom less marked than it ought to be. It is desirable that here there should be no such mingling; a man should either be free or bond, and be treated as such.

I have long disapproved of the employment of convict clerks under any circumstances, and have taken every prudent means of limiting their numbers, for I am convinced that convict discipline cannot be considered perfect until every special is treated as an ordinary convict; for if but one receive indulgence irregularly, or be placed in an easy situation, enabling him to assume a respectable appearance, the system is broken in upon, and a single representation to his friends in England will be sufficient to deprive transportation of much of its terrors. Criminals do not, when writing to their thieving friends, dwell upon the hardships they suffer, but rather delight in holding up the bright side of the picture.

As it appears that such persons have occasioned some inconvenience at Sydney, and dread transportation less than any other class, I have made a special arrangement for their deportation upon their arrival from England to Tasman's Peninsula, should such be the pleasure of His Majesty's Government, where they will be deprived even of the hope of eluding by artifice the miseries they have drawn upon themselves. The great distance from home will render it impossible for them to harass the relations they have disgraced with importunate solicitations for relief; and His Majesty's Government also will be spared the painful necessity of rejecting the natural though ill-judged applications made on their behalf. Their degradation, however painful, will not excite commiseration, neither will it tend to diminish the respect of the lower for the higher classes of society; they will be subjected to

incessant labour, without inflicting pain on passers by, and without the possibility of escape: they will be compelled to substitute habits of sobriety, industry and exertion, for those of drunkenness, sloth and indolence; they will support a desolate existence neither by fraudulent devices nor by preying upon society; but severe exertion, unqualified submission, and patient endurance long persevered in, will be the only sources of hope; false reports or exaggerated statements will be useless, for their real condition will always be known to the authorities, and the credulous and unwary will be beyond their baneful influence.

Should it hereafter be considered desirable, notwithstanding the observations I have made, to subject criminals in general on their arrival here to a severer punishment than that of assignment, from eight to ten thousand men could at once easily be accommodated and employed in the cutting of timber at Port Arthur under very severe discipline. From the great natural conveniences, the necessary buildings and enclosures could be erected *by their own labour*, and rendered equally available for under 20,000 *l.* for the purposes of discipline, with the building to cost 60,000 *l.* and to contain and employ 1,000 men only, proposed by Sir Robert Smirke; while the immediate increase to the value of Crown lands which would arise from so great an augmentation of population and of consumption, would probably meet the expenditure for the buildings, and for a considerable part of the transportation charges.

Vide Report of Committee upon Secondary Punishments.

On the supposition that 7,000 men only were sent out annually, and were kept on Tasman's Peninsula for six months after their arrival, accommodation for 3,500 at a time would be requisite, and this could be prepared for I think about 8,000 *l.* whereas, according to Sir Robert Smirke's plan, it would cost 210,000 *l.* if estimated by the value of proportion.

I recommend the measure to your Lordship, however, as being more advantageous, chiefly in point of economy, than Penitentiaries in England. As compared with the present system of classification and assignment, I should deprecate it exceedingly, for I have every day more and more evidence of the advantages of those arrangements which now after a long period are becoming complete.

I have, &c.
(signed) *Geo. Arthur.*

PROCEEDINGS of a COMMITTEE assembled at the Public Office, on the 30th of November 1832, in pursuance of the commands of his Excellency the Lieutenant-Governor, as directed by a letter from the Colonial Secretary, bearing date the 28th of the same month.

Present,—The Chief Police Magistrate;
The Civil Engineer;
The principal Superintendent of Convicts; and
The Port Officer.

THE communication from the Colonial Secretary above alluded to, having been read, the Committee proceed to inquire,—

Whether the ends of punishment in this Colony may not be fully answered by abandoning Macquarie Harbour as a Penal Settlement, and retaining Port Arthur only, taking into consideration the expense incurred by having a second Penal Settlement, together with the importance of occupying the country situated between the River Derwent and the western shore of Van Diemen's Land.

The Committee having very fully considered these points in all their bearings, have come to the unanimous opinion, that provided Port Arthur can be made as secure as Macquarie Harbour has been proved to be, and provided the discipline and mode of punishment be carried on with equal severity at Port Arthur, as they are at Macquarie Harbour, there can, in such case, be no reason to doubt, that the latter may be abandoned, by which a great saving will be effected, and Government will be enabled to occupy the country between the River Derwent and the western shore, which very desirable object can never be attained so long as Macquarie Harbour remains a Penal Settlement.

In offering this opinion, the Committee beg leave to express their conviction, that in the event of Port Arthur being retained as the only Penal Settlement, it will be of paramount necessity to establish such a system of punishment, as that there should be one grade of at least equal severity, with that at present established at Macquarie Harbour, and which has been found so conducive to the prevention of crime,

crime, from the dread of being sent thither operating so strongly on the minds of the prisoners generally.

(signed) *M. Foster*, Chief Police Magistrate.
John Lee Archer, C. E.
Josiah Spode, P. S.
W^m Moriarty.

LETTER from Lieutenant-Colonel *Logan* to the Colonial Secretary, &c. &c. &c.

Sir, Hobarton, 31st December 1832.

I HAVE the honour to acquaint you, for the information of his Excellency the Lieutenant-Governor, in reply to your Letter dated the 28th instant, that I visited the Penal Settlement of Port Arthur and Eagle Hawk Neck, in company with the Chief Police Magistrate and the Port Officer, and the following is the result of my observations on the capabilities of "Tasman's Peninsula" generally, with a view of its being enlarged as a strict and severe Penal Settlement.

1st. With respect to the first query, I conceive Tasman's Peninsula affords every facility for the safe custody of the prisoners sent to the Penal Settlement at Port Arthur, provided the following additional arrangements be adopted; namely, the employment of a government vessel for the purpose of keeping a vigilant look out from the coast at Eagle Hawk Neck round to Wedge Bay and Port Arthur, and kept constantly cruising along the coast. I would also recommend that this vessel be furnished with two swift sailing boats, well manned, for the purpose of running into the inlets and bays, and communicating with the military posts established along "Sloping Main," "Eagle Hawk Neck," and "Wedge Bay." In a military point of view, it would be necessary to complete the detachment at Port Arthur to three officers, and one strong company of at least 70 rank and file, which I would distribute as follows:

DETAIL.

One officer, one serjeant, 20 rank and file, at Eagle Hawk Neck, as at present; one serjeant, 12 rank and file at Gellibrand's Farm at Sloping Main. This serjeant should be instructed to patrole the coast for six miles on either side constantly, but more particularly on the escape of any prisoners from Port Arthur being reported to him, when he should immediately communicate with the Government vessel on the coast if possible.

One corporal and six privates to be stationed at Wedge Bay, with similar orders.

These detachments to be relieved every fortnight, and that the whole detachment stationed in Tasman's Peninsula, should have every indulgence of extra ration as is usually granted to the military when employed on the important duties of a Penal Settlement.

One captain, one subaltern, two serjeants and 32 rank and file should form the garrison at Port Arthur. The subaltern to be employed in frequently visiting the out-posts, and report in writing, on his return to Port Arthur, any observations he may have made on his tour.

I conceive that the Penal Settlement at Port Arthur affords every capability for carrying on a strict state of discipline in regard to the management of the convicts; and with a view of better carrying the wishes of the Government into effect, I would recommend that a gang be formed of the worst and most desperate characters, for the purpose of felling the large trees which abound in that country, and dragging them down to the water side; this will effect a laborious punishment, and tend to clearing the neighbourhood, and bringing in a profit to the settlement.

With respect to the third query, I really believe the settlement at Port Arthur can be made adequate to answer every purpose in view, namely—

The abandonment of Macquarie Harbour, and the entire occupation of Tasman's Peninsula.

In conclusion, I beg leave to observe generally, that the Peninsula offers every security for the safe keeping of the convicts; they can be employed at hard labour for the profit of that establishment which, under the direction of an able commandant, can tend greatly to their reformation.

I would recommend also that none but freemen of respectability should be employed in the civil situations, particularly that of superintendent, who ought to be

be a clever intelligent person, and liberally paid, as one in whom great confidence must be reposed.

In this remote station I would strongly recommend that married men be preferred to fill the civil situations, as it must be obvious that they will naturally be of steady habits, and more content in their retirement than single men can be expected to be.

I have the honour to be, Sir,
Your most obedient humble Servant,
(signed) *J. Logan*,
Lieut.-Colonel, 63d Regim^{t}.

LETTER from *William Moriarty* to *John Burnett*, Esq., Colonial Secretary, &c.

Sir, Port Office, January 5th, 1833.

Your Letter addressed to Lieutenant-Colonel Logan, the Chief Police Magistrate and myself, referring to the proceedings of a Committee assembled at the Police Office on the 30th ultimo, was received by me on the 2d instant. Having been a party to the opinion expressed by that Committee, it would be scarcely necessary for me to advert to that Report were my ideas less determined on the comparative advantages of Macquarie Harbour and Port Arthur, as a place of security for prisoners sentenced to a Penal Settlement.

The topographical position of Port Arthur, seated on a peninsula within a peninsula, the two isthmuses of which, from the contraction of their sides are singularly adapted to the facility of being watched, and, in my opinion, clearly indicate its superiority in this respect over any place situated on a coast however remote, and however difficult the country between it and the settled districts; impressed strongly with this view, I still consider that further measures are necessary to prevent the escape of prisoners from Port Arthur, and the almost insular position of that settlement, as clearly point out the chief means requisite to be used. The coast from Wedge Bay to Eagle Hawk Neck demands particular observation, and more particularly still that part of it which lies between the Neck and Norfolk Bay; for this purpose, I would recommend that a small vessel be at all times stationed within those limits, and that two good whale boats be attached to her to watch the sound; these precautions would, I think, tend to the complete security of the first peninsula, in connexion with those at present observed on the Neck, or such further ones as science or experience might suggest as necessary. In addition, I would recommend that either a military detachment or a small station of the field police be placed at Wedge Bay, Sloping Main and the head of Norfolk Bay.

In reply to the second query, I would observe, that it is but necessary to introduce a proper system to make Port Arthur fully capable of carrying on the discipline necessary for either the punishment or reformation of the prisoner; as a most material part of it, it will be necessary to establish a proper classification of the prisoners; and there should be one gang work constantly in chains, the period of whose sentences should be fixed; this gang might be worked apart under proper surveillance, and locked up in separate cells every evening after work has ceased.

In reply to the third query, I must remark that I do not consider the present establishment at Port Arthur by any means adequate to the due working of a proper system at a Penal Settlement.

As respects the discipline of the prisoners, it cannot, I conceive, be ever found to work advantageously, placing them under the control of a fellow prisoner.

In private establishments where circumstances have rendered it temporarily necessary to place a convict in charge, I have known complete disorganization to ensue where all had previously been order, and a much more extensively felt mischief must, I presume, arise at a settlement where all the worst characters amongst the bad will necessarily be congregated, if conducted under similar management.

It is then, in my opinion, absolutely indispensable to have the convicts at Port Arthur placed under the immediate control of a free and respectable superintendent, if possible a man of firm, temperate and energetic habits, one who knows how to check insubordination without giving way to violence, and sufficiently active to stimulate by his own example, feelings which in even so degraded a caste, are not, I am persuaded, utterly extinct.

In considering also the administrative functions of the commandant when Port Arthur becomes the sole Penal Settlement, and the transports from Macquarie Harbour are fixed there, it will require all the time which a very active man can give,

give, even with the assistance of a competent superintendent, to see that the prisoners are properly employed in prison discipline; and the reformation of the prisoners, an object which should be the leading feature of a Penal Settlement. Constant employment should be an absolute and indispensable requisite. In order then that the commandant might be able to give proper attention to this subject, it should be undivided; and when I consider further, that it will be essential to employ some constabulary force to watch and keep in order so great a number of convicts, I think it would be but right to appoint a police magistrate, who I fear will have but too much employment for his time.

Conceiving it impossible that the religious instruction and spiritual comfort of a class of persons mostly ignorant of the first principles of Christianity, should escape the attention and vigilance of a wise and benevolent Government, I shall forbear further allusion to the subject, and having embraced in this Report such topics as have appeared to me of most importance,

I have the honour to remain, Sir,
Your most obedient humble Servant,
(signed) *W^m Moriarty.*

LETTER from Captain *J. Briggs*, 63d Regiment, to *J. Burnett*, Esq., Colonial Secretary, &c.

Sir, Hobart Town, January 12, 1833.

I HAVE the honour to acknowledge the receipt of your Letter of the 10th instant, stating that it is his Excellency's wish, I should give my opinion on the following points, in consequence of its being in the contemplation of Government to throw open to settlers the newly discovered country to the westward, between the Derwent and Gordon's River; and in reply, I beg to state in the first place, that should such take place, I have no hesitation whatever in saying, from my knowledge of the localities of Macquarie Harbour, it would be utterly impracticable, so far as regards the security of the prisoners, to retain it any longer as a Penal Station: and 2dly, should the settlement be abandoned, I do not think any part of the buildings now erected could be converted into any other useful purpose, with the exception of the doors and windows of the quarters hitherto allotted to the military and civil officers. I might make another exception, that of the new commissariat store, erected by myself about two years and a half ago, a very substantial one of its kind, being weather-boarded and brick-nogged, about one hundred and seventy feet long, by eighteen feet in width, having a flour loft extending over all above; but I have very great doubt, whether transporting its materials to Hobart Town or elsewhere, taking into consideration that the pilot would be withdrawn with the prisoners, and consequently the great risk and danger the vessels would run, in attempting to go over the bar, would authorize my recommending such a measure; nor do I think, after taking the buildings to pieces, it would repay the expense of removal. The only permanent building on the settlement, is the prisoners' barracks, built of stone, and consists of three stories, one room in each, and calculated to contain thirty persons in each room. The military and civil officers' quarters are weather-boarded, and the greater part have been erected for a long period; and when I left the settlement two years and a half ago, were fast going to decay, the greater part requiring to be new shingled *in toto*. The work-shops and other conveniences are very temporary indeed, having been built of slabs, and when taken to pieces would be of no other use whatever but for firewood.

With regard to the 3d point, I must say it puzzles me not a little even to offer an opinion, much less venture to recommend how the settlement should be disposed of, as it is impossible for me to foresee, in the event of the country in its neighbourhood becoming located, and myself a total stranger to the capabilities of that country, what individuals becoming settlers in it might attach to the settlement as a centrical point, possessing the advantages it does of being the only safe harbour (when once over the bar) between Port Davie and Cape Grim, and undoubtedly the very best whaling station on that coast. But I must also say, that with the exception of the island on which the settlement is now formed, containing about 12 acres of highly cultivated and most productive soil, and an island on the opposite side of the harbour containing about six acres equally good, I know of no land in its immediate neighbourhood that would induce any person to become a settler there. There is no doubt still a great quantity of Huon pine uncut, but from the difficulty of access to the swamps in which it only grows, and the number

of persons it requires after cutting it down, in transporting it to the water, and from the price it has hitherto brought in the Hobart Town market, I fear no individuals could undertake to export it with any chance of remuneration to themselves; besides the risk they must ultimately run in getting the vessels over the bar, which I always considered, even with the assistance of a stationary pilot, to be one of the greatest obstacles to the place as a Penal Settlement; and that, together with the great distance from Hobart Town, from which it must be supplied with provisions of every description, that I consider it would be most expedient to relinquish it as a Penal Settlement, and transfer the whole of the convicts and establishment to Port Arthur; a place, I am of opinion, much better adapted in every respect for a settlement of that description, affording from its almost insulated situation, greater security as to the prisoners, greater facility in supplying them with provisions, and that fresh instead of salt meat, and possessing the same means of keeping them at hard and useful labour; the finest timber of every description known in the Colony, growing in abundance, and at much less expense to the Government. Having, during the period I was there, walked over a great portion of the land on the opposite side of the harbour towards Cape Pillar, where I found a considerable extent of land fit for cultivation, at all events, sufficient grazing for cattle to supply the settlement with all the meat required, with perfect security from the prisoners; and I do not think any commandant, keeping that in view, would hesitate in undertaking to do so, using the means he must always have in his power to insure that security.

I have the honour to be, &c. &c. &c.

(signed) *J. Briggs*,
Captain 63d Regiment.

STANDING INSTRUCTIONS for the Regulation of the Penal Settlement on TASMAN'S PENINSULA—*(with a Plan.)*

Colonial Secretary's Office, 25th January 1833.

HIS Excellency the Lieut.-Governor has been pleased to direct that Tasman's Peninsula shall be established as a Penal Settlement for the reception—

1st. Of convicts under colonial sentence of transportation, or imprisonment and hard labour.

2d. Of convicts on their arrival, whose crimes in Great Britain may be notified by His Majesty's Government, to have been of a nature particularly atrocious.

3d. Of convicts who may be convicted of violence or outrage during the voyage from England.

4th. Of that class of offenders denominated in familiar language gentlemen convicts. The situation and local advantages of this peninsula adapt it in an especial manner for the confinement and discipline of such convicts. It is a natural penitentiary, from which ordinary precaution will render escape impossible, and it includes within its boundaries a sufficient variety of soil and of products, to supply work of every degree of severity. It is cut off from any secret means of communication with the cultivated districts, and yet is so near head quarters that the Local Government may exercise the strictest surveillance over it.

These criminals, when placed upon it, will be quite apart from the rest of the community, and the educated convicts, whom it is desired by His Majesty's Government especially to sequestrate, will have no victims upon whom their superior cunning will enable them to prey, and that intelligence which they have so miserably abused and misdirected, will not avail them.

It is distinctly to be kept in view by the commandant and the several public officers employed on Tasman's Peninsula, that the design of this establishment is the severe punishment of the vicious part of the community, as the means of deterring others from the commission of crime as well as the reformation of the criminals themselves, and to this end the most unceasing labour is to be exacted from the convicts, and the most harassing vigilance over them is to be observed, together with such a minute system of classification as may be best calculated to develope their characters, habits and dispositions.

On the faithful and zealous discharge of the duties assigned to the officers in charge will greatly depend the results of this important penal institution; therefore, although no orders in writing can meet the exigency of every case, and much must rest upon that individual effort which previous instruction cannot reach, the

CHART
of
FORESTIER'S and TASMAN'S PENINSULA'S.

George Frankland
Surveyor General of V.D.L.

148°

Sorrell Township
pitt Water
Single Hill
Cor Jerusalem R
FREDERICK HENRY BAY
Low Island
Garden Id or Smooth Id
Id St Aignant or Sloping Id
Point Joannet
Pipe Clay Lagoon
C Deslace
NORFOLK BAY or Port Bauche
Betsey's Id
RIVER DERWENT
Direction Isle Pol Island
STORM BAY
BRUNI I.
Pt du Ressac
C Bernier
MARION BAY
Sandpit
Forestiers Creek
East Bay Neck
Collins Mount
FORESTIERS PENINSULA
Blackman Plain
High Rocks.
C. Frederick Hendrick Blackmans Bay.
C Surville
MONGE BAY or Pirates Bay.
Remarkable Hole at this Point.
MARIA I.
C Peron
Pyramid
TASMAN'S PENINSULA
WEDGE BAY
Lagoon
Wedge or Quoin Id
Stonyrange
Bold Cliffs
Meandering Reef
MAINGON BAY
ARTHUR
Rocks
CAPE RAOUL or Basaltes
SCALE OF MILES.
0 1 2 3 4 5 6 7 8 9 10
FORTESQUE BAY or Dolomieu B. Safe Anchorage & fine Timber.
Hippolyte Rocks
NE Bay
C. Hauy
Stewarts Harb.
Stewarts Pt
Opossum
Fine Stream of Water
Impassable Cliffs
Salt water Inlet
Safety Cove
Hills clear Hills
Inner W Head
Sandy beach (or Landing)
West Head
Rock under water
Black Rock
Safe passage
Tasman's Island, or "The Pillar."
CAPE PILLAR (Visible 12 leagues)
148°

81. Ordered, by the House of Commons to be Printed 4 March 1834.

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following outline of duties is laid down for the information and guidance of all classes of persons upon the peninsula, and the strictest attention to them is enjoined.

The Commandant.

He is responsible for his acts to the Local Government only, and he is absolute with reference to all under his jurisdiction, which shall include the whole peninsula.

He shall regulate his measures according to the instructions he may receive from the Government, and by the laws in force within the territory of Van Diemen's Land.

He shall keep a register of every exertion of authority which is not of the most ordinary routine, so as to be enabled at any time to assign to the Local Government good and sufficient reasons for each act of his command.

He shall issue written instructions to each person in any charge under his command.

He shall take care by frequent inspection and constant supervision that every officer or person in charge under his command shall perform with diligence the duties assigned to him.

He shall cause periodical reports in duplicate to be made to him regularly by the several officers in the settlement, and upon one set of these reports he shall make his remarks, add such directions as may be suggested by any thing contained in it, and return it to the party from whom it was received; on the other set he shall cause such observations, &c. to be copied, and he shall transmit it quarterly to the Colonial Secretary for the information of the Government.

He shall once every week, independent of his daily ordinary visit, make a formal inspection of the various buildings and works on the settlement, and on every such occasion note in a visiting book, to be kept by the persons in charge respectively, whether he is satisfied with the condition of the several buildings and works, and with the manner in which the duties of every kind connected with them are discharged, and he shall assign his reasons for the opinions he may then express.

He shall, once a week at least, attended by the surgeon, cause the gangs to be mustered in his presence, in order that he may ascertain whether the men are clean, orderly and in good health, and he shall enter his remarks in a memorandum book to be kept by the superintendent, and to be presented by him on every such occasion.

He shall not commence any new building until after the plan and estimate have received the sanction of the Lieutenant Governor.

He shall not, without the previous consent of the Local Government, remove any individual from the Settlement.

He shall take care that the convicts under his charge do not hold any communication whatsoever with any person or persons not specially authorized.

But he shall always forward communications of every description, however incorrect in manner or matter, from whomsoever received, provided they be addressed to any member of the Local Government.

He shall take care that strangers not having the license of the Government shall not enter upon or remain in the settlement.

He shall take care that no articles not included in the manifest shall either be landed from or taken on board any vessel.

He shall be allowed two acres of ground for his own garden, and have two prisoners out of the appropriate gang to cultivate it.

He shall not employ any other convict for his private convenience or comfort without making the circumstance the subject of an especial report.

He shall make the following Returns:—

1. Annual Returns of Buildings and other permanent Works.
2. Annual Return of Stores (not perishable) received and issued.
3. Annual Return of all free Persons, with Dates of Arrival, and nature of Occupations.
4. Quarterly Return of all Convicts, with their Names, Ships, Numbers, Date of Arrival on the Settlement, Occupations, Conduct, Merits or Demerits.
5. Monthly Return of Work of every description.
6. Manifest of all Articles shipped for Hobart Town or elsewhere.
7. Lists of all Persons visiting the Settlement or departing from it.
8. A Return enclosing all the Reports, &c. he may receive from the Officers under his command, and Copies of his official Correspondence.

He is a justice of the peace, and shall sit with the police magistrate in all cases in which two magistrates are required.

He is to support the chaplain in the discharge of his duties, and more particularly he is to take care that the sabbath be not profaned, but be in every respect kept holy, and rendered available as a day of moral and religious instruction.

Police Magistrate.

He is a justice of the peace of the territory, and has jurisdiction accordingly.

His duties, making allowance for difference of situation, shall be the same with those of the district police magistrates.

But he shall personally inspect, and, when necessary, punish offences upon "view."

He is, when accusers are able to give their evidence coolly, and are not under excitement from recent irritation, to make the trial and punishment follow the offence as closely as possible; so that crime and its consequences may be associated in the convict's mind as cause and effect, and form parts, as it were, of the same idea.

It will be expedient for him on each occasion to admonish the convicts whom he has sentenced to punishment, and to assign to them temperately and firmly, the reasons for their punishment, and then to have it carried into effect promptly and effectually.

He is generally to assign such punishments as will inflict the requisite amount of pain or misery within the shortest period of time.

He shall make himself acquainted with the habits, ideas and characters of the convicts, so that he may assign the punishment indicated by the constitution of each man's mind.

He shall order flagellation in every case in which, from blunted sensibility, it is impossible to punish effectually through the mind.

He shall take care that, when flagellation is ordered, it is executed with due severity, in the presence of the surgeon, who shall attend for the usual purposes.

He is to remember that, to order punishment, and to permit their infliction to be uncertain or imperfect, is to invite the repetition of offences, and to increase the necessity for punishments, and is therefore cruelty rather than clemency.

He shall request the assistance of the commandant at his convenience, to act with him, when two magistrates are required by law; he shall make reports of his decisions and judgments to the commandant, who may suspend the execution of them until the pleasure of the Lieutenant Governor, upon a full report, is known.

He shall transmit to the commandant quarterly reports of the cases brought before him.

He shall transmit a quarterly specification of the character of each convict under his jurisdiction, of the effect of the labour and discipline of the settlement upon his mind and feelings; how far they are appropriate, and in what respects deficient. He shall give his reasons succinctly, yet minutely, for the particular punishment he may have assigned in each case; he shall state the manner in which it appears to have affected the individual on whom it was inflicted, and his companions; and he shall recommend in writing to the commandant any indulgences or other measures that may appear to him to be expedient.

The Surgeon.

He has an hospital under his charge, and he is responsible for the manner in which it is kept in every respect, as is customary.

His most difficult duty is the distinguishing of feigned from real illness.

He shall not exempt any individual from labour or receive him into hospital, without taking down for subsequent report a minute detail of the symptoms of his case, to which must be added the reasons which induced him to conceive the disease not to be feigned but real.

He shall inspect daily every building in which men sleep or work, and report whether it be clean and healthy or otherwise.

He shall inspect the clothing and bedding of the men weekly, and report upon them so far as relates to his department.

He shall ascertain the effect of the food, labour and discipline of the settlement upon each of the convicts, as respects his health and strength, and he shall report the same to the commandant monthly.

It is his duty to report upon any and every circumstance which may appear to him to affect, or to have affected the health of the convicts under his medical charge, either beneficially or injuriously.

He is from time to time to make such recommendations relating to his department to the commandant, as to himself may appear necessary and desirable; and these recommendations shall be inscribed in his journal, and transmitted quarterly to the colonial surgeon for the information of the Government.

The Chaplain.

He is to take care that the sabbath be not profaned by any individual, either free or bond, but that it be solemnly observed and in every respect improved to the utmost as a day of moral and religious instruction; and is to pray with and for the convicts at morning and evening muster; and he is not to omit any opportunity of giving advice and exhortation.

He is to send quarterly reports of the manner in which the sabbath has been kept; and to particular offenders, whether free or bond, of whatever class or rank.

He is to make himself acquainted with the temper and disposition of the persons under his charge, and he is to treat each accordingly.

He is to transmit quarterly reports, stating the particulars of the impression made upon the convicts by his own teaching, as well as by the general discipline.

He is to establish schools and anxiously to superintend them.

He is to make such recommendations connected with his duty monthly to the commandant, as may from time to time appear to be necessary.

Superintendent.

His principal duty is to carry into effect the daily instructions of the commandant.

He is to see that the men go to bed and rise at the regulated hours; that they are clean in their persons; that they do each a man's work daily; that they are present at the morning and evening muster; that they be not allowed to absent themselves from duty, and that they do not escape from the settlement.

In the event of disobedience, insubordination, or impropriety of conduct of any description, he is to have the police magistrate instantly informed of it, and to have the necessary witnesses at hand, so that not a moment may be unnecessarily interposed betwixt the commission of an offence and its punishment.

He is to take care that the men have their rations regularly, and that they do not in any way receive or use any luxury or comfort, other than is specially authorized; that they do not get any letters conveyed from the settlement irregularly, and that they never under any pretext approach the wharf when strangers may be at work landing goods, or taking them on board of any vessel.

His duty combines that usually assigned to a superintendent of convicts, as well as that of an inspector of works.

Commissariat Officer.

He shall have charge and be responsible for the receipts and issues of all stores of whatsoever description within the settlement, and shall issue rations to every person entitled to receive them, according to regulation, the "Returns" being signed by the commandant.

He shall conduct the business of his office in the customary manner, receiving instructions from, and making his reports to, the head of his department at Hobart Town; but although he must obey any order he may receive from the commandant in writing, he nevertheless shall not fail to bring the same under the consideration of his superior officer, when such order is at variance with his general instructions.

He shall make to the commandant such recommendations from time to time as may appear to him to be calculated to facilitate or improve the mode of conducting the business of his office, and shall transmit quarterly to the head of his department the correspondence which takes place.

Officers generally.

They shall obey such directions as they may receive.

They will be called to account if any offence is committed with their privity, whether they assist in its perpetration or not, unless they actually endeavour to prevent it, and inform the authorities thereof.

Officers in charge of branch departments shall furnish the commandant with a copy in duplicate of every instruction they may receive from their superiors in

Hobart Town, and they shall not act upon any such instructions until they have received the approbation of the commandant, who will treat the instructions so forwarded as an ordinary report.

They shall not cultivate any portion of land for their own advantage, except as gardens for the exclusive use of their own families.

They shall not employ any convict or convicts under any pretext whatever for their own benefit, unless specially authorized by the commandant so to do.

They shall not leave the settlement without the written authority of the commandant.

Should the commandant direct any work to be done for the comfort of a public officer, he (the public officer) shall not give the mechanic or other convict who does the same any remuneration whatever.

All trading and trafficking between the free and the bond are expressly prohibited.

Convicts generally.

The convicts shall be employed in hard labour from sun-rise to sun-set, with one hour's intermission for breakfast and the like time for dinner.

They shall cut timber and draw it to the water's edge; they shall make roads, erect buildings, break up new land, and cultivate the old; but the infirm shall be employed in the settlement garden.

They shall all, with the exceptions hereafter mentioned, wear the coarse yellow dress, the imposition of which has been found to be a severe punishment.

They shall perform every description of labour required at the settlement, and shall not be assisted by beasts of burthen of any sort.

No convict females (except as servants of officers) and no wives of convicts shall ever be admitted into the settlement.

They shall receive bedding, clothing and rations, as established by regulation.

They shall not barter or sell any articles amongst themselves.

First Class.

All convicts, except educated convicts, arriving at the settlement, shall be placed in this class, unless the order received with them shall direct otherwise.

They shall be employed in hewing and cutting timber and drawing it to the water's edge, or in any other hard labour which may be specially required.

They shall wear the yellow dress.

They shall not be put to task work, neither shall they be allowed to labour lazily, or to reserve their strength.

They shall never under any pretence be allowed to use the hoe, or the spade, or the rake, or any other agricultural implement; neither shall they ever be permitted to enter into the garden of the settlement, except under circumstances of the most pressing necessity, which shall form the subject of a special report.

Agriculture and horticulture are employments not to be committed to felons twice convicted, who have not as yet shewn any disposition to reform their conduct.

Chain Gang.

Shall consist principally of convicts who have been sentenced to the gang by the Police Magistrate, or have been specially sent to the settlement to be worked in chains.

They are to wear chains and the yellow dress, with the word "Felon" stamped upon it in several places; they are to sleep in separate cells; they are to go out to work one by one in Indian file, and no conversation is to be allowed among them; they are to be put to the heaviest and most degrading labour that can be found on the settlement.

No sentence to this gang shall ever exceed three months in duration, without a special report being made to the Government.

Relief Gang.

Men who have conducted themselves properly after long probation may by direction of the commandant be removed to this gang.

The dress of this class shall be grey or blue.

They shall be regarded in the light of probationers, acquiring habits fitting them to be useful in society.

Their labour shall not be less continuous, but it shall be less severe and less degrading than that of the first class.

They

They may be employed in agriculture and horticulture; the use of the hoe and spade is not prohibited to them.

Out of this class the commandant may occasionally, with the approbation of the Lieutenant-Governor, appoint constables, messengers, &c. for the settlement.

EDUCATED CONVICTS.

They form a distinct class.

They wear the grey dress.

They are employed in gardening, fencing and farming.

They are kept under the strictest surveillance, and the labour done by each daily is carefully ascertained.

They may be punished by removal to the first class, and to the chain gang, and by flagellation, or in any other way that may appear best suited to the particular circumstances of each case.

They are deprived of every article either of comfort or convenience they may have about them on their arrival, and are to be in every respect restricted to such provisions and clothing as are specially authorized.

By command of the Lieutenant-Governor,

J. Burnett, Colonial Secretary.

No. 10.

EXTRACT of a DESPATCH from Lieutenant-Governor *Arthur* to Viscount *Goderich*, &c. &c. &c.

Government House, Van Dieman's Land,
27 February 1833.

IN my Despatch of the 8th of February, I considered at great length the circumstances establishing the fact, that transportation is the only measure calculated to diminish the prevalence of crime in the present condition of the labouring classes in England. I traced the prejudices now entertained against it to circumstances of a temporary nature; and I endeavoured to show, that neither penitentiary nor dock-yard discipline could ever be substituted for it with propriety, or even made an accessory measure; insomuch as the utmost severity exercised against a criminal in England, provided only he received sufficient food and clothing, would still leave his condition an object of envy, and, but for its disgrace, one of desire to a very numerous class of the labouring poor, and that so far from preventing crime, it would stimulate and excite to its commission, and that therefore the only effectual mode of punishing and reforming the felon, is to remove him to a new country, where he may be supplied, though under bondage, with sufficient food and clothing, and yet be made to regard his situation as degraded and inferior to that of the free.

I shall now, in obedience to your Lordship's commands, offer some details respecting the convict discipline now in force, and make suggestions for its improvement, in order, still more certainly to secure the punishment of offenders.

The convicts are, 1st. Ticket of leave men; 2d. Those assigned to settlers; 3d. Those employed in the public departments, or public works; 4th. Those on the roads; 5th. Those in the chain-gangs; 6th. Those in the Penal Settlements; 7th. Those in the chain-gangs of the Penal Settlements.

Of these, No. 1 is the situation of least punishment, and No. 7 is that of the greatest severity. In proportion as a man misconducts himself, he falls in this scale; and in proportion as he reforms, he rises again in like manner.

When convicts arrive in the Colony, they are either assigned to settlers, or employed in the public works; under some special misconduct, particularly during the voyage, requires their immediately being placed on the roads, in the chain-gangs, or in the Penal Settlements.

It is stated, I observe, by the Committee in their Report, and I may without impropriety refer to it in connexion with the above classification, that the great principle they have endeavoured to establish, is the necessity of a separation of criminals, and of such a severity of punishment as shall really be an object of terror to the evil doers.

My Lord, the facilities afforded by this Colony for carrying classification into effect, are such as never could be attained within the walls of a penitentiary. There is a large extent of territory, over which the classes of evil-disposed convicts are

separated, and may hereafter be still more effectually separated than at present, from those inclined to reform; and above all, there is in operation contributing to this very result, the principle of self-interest. The gaoler or penitentiary-keeper, however zealous he may usually be in the discharge of his duty in England, is not kept to it by the conviction that his own property is at stake; but in Van Diemen's Land this obtains to the utmost. Bentham's notion, that gaolers should possess a personal interest in the reform of the convicts under their charge, is beautifully realized in Van Diemen's Land: settler or farmer, his prosperity depends, not only upon the control and discipline, but also, which is more pertinent to the present question, upon the selection of his servant. If a convict is indolent, quarrelsome and vicious, or in any way sets a bad example to his fellow-servants, it is the master's interest, if he appear irreclaimable, to get rid of him as soon as possible; and the result is, that according to the character of his offence or offences, he is sent to a road-party, a chain-gang, or perhaps a Penal Settlement. There is thus maintained throughout the Colony a continual circulation of convicts; a distribution of each in his appropriate place; in short, a natural and unceasing process of classification, the main-spring or moving power of which, is not the authority of the Government, but the silent yet most efficient principle of self-interest.

The settler receives the convict on his arrival, and if he be fit for anything, if he have any good principle remaining, or if there be yet in his heart the capacity to receive correct sentiment, there is now afforded him an ample opportunity for their development: he is separated, through the classifying process I have just described, from bad companions. There are none in his master's service who do not render themselves useful. Through the influence of discipline, imitation of his comrades, and the dread of being sent to an inferior class, where the privations are greater, and the labour more severe and degrading, he is induced to exert himself; and as is generally the case, acquires a habit of industry and sobriety, through which his proneness to idleness and vicious self-indulgence is subverted.

It is said, I observe, by the Committee, that the master has no interest to do more than secure from his servant the performance of his daily task. But even were this strictly true; were an assignee so careless as to allow his family to be a scene of disorder and confusion; were he regardless of the proprieties incumbent upon him in preserving an appearance of decency in his establishment; were he willing that his children should be subject to insult and to the influence of bad example; yet if he compel the prisoner to labour, or even induce him to do so, it is evident that the object in view is gained in respect of essentials, for it is impossible that a convict can for any length of time continue to be useful to a farmer, and yet be careless, dissipated, and insubordinate. As well might a man attempt for his daily convenience to ride an untamed savage horse, for certainly one of two things would necessarily happen, either that the rider would be killed, or would desist, or else the animal would become subject and docile; and that too chiefly through the performance of compulsory labour.

The relative situations of the assignee and his servant are aptly represented by this illustration; either the master succeeds, or does not succeed, in rendering him docile and laborious. If the first, then that industry which was at first exacted by compulsion will after a while be continued through habit, and in the expectation of its reward—a ticket of leave. If the second, then the criminal is eventually sent to the chain-gang or the Penal Settlement, there to suffer such severe discipline and privations as frequently drive convicts to make the most desperate, though generally unavailing, attempts to escape, and sometimes even to commit murder, from a vehement desire to be relieved from their misery.

Your Lordship will I think distinctly perceive from this statement that it is the interest of the settler to co-operate with the Government to keep his assigned servant from vicious indulgences, and to render him useful. In effecting this, he is assisted in a remarkable manner by the peculiarities of his situation; he lives in comparative seclusion, and the convict assigned to him is not only separated from his old associates in gaols in England, but from the companions of his voyage to Van Diemen's Land; he feels that instead of forming one of some hundreds under the charge of one keeper or gaoler in a hulk or penitentiary, he is here one of only five or six, with a keeper over him, whose livelihood depends on his exertions to watch and compel his servant to labour. The thinly scattered population, and the imperious calls for industry and exertion which the necessities of a new country continually put forth, are not only powerful instruments for the prevention of crime, but serve in an especial manner to give the vicious mind *a new direction.* From the

the nature and peculiar circumstances of this Colony, these favourable opportunities for punishment and reform must continue, under judicious management, in equal force for a length of time, or until at least the population shall have exceedingly increased, or until His Majesty's Government have ceded to the community those free institutions which it is impossible to disguise must quickly work the subversion of the whole intention of a Penal Settlement, unless indeed they could be so introduced as to prevent the convict population from being affected by them.

As, therefore, the dispersion of convicts in the service of settlers proves so powerful an engine for the correction of transported felons, it is evidently advisable for Government to promote the emigration and the settlement of that class of persons who are most efficient in conducting it; I mean such respectable yeomen, especially those with families, as have the means of occupying moderately sized farms, and are most likely from their situation and former habits not only to restrain the convict and to exact the due portion of labour from him, but by their own example to add to the moral character of the community.

Besides the favourable opportunities which the circumstances of rural occupation afford, the settler is powerfully assisted in his exertions to control the convict by the police of the territory, which the Government has perseveringly gone on training for many years, until it forms in fact the pivot on which the whole efficient system of transportation is turned, and by which the convicts are at once awed and regulated, and the control of the settlers over them brought under the almost daily revision of the Government.

The prompt and summary punishment to which the convict is subject on the commission and conviction of any offence, and the patient investigation with which every case is heard and determined by the police magistrates, has a most powerful and salutary influence over the general conduct of both masters and servants. The fact that out of about 17,000 convicts transported to Van Diemen's Land, nearly 5,000 have never on any occasion had a complaint brought against them before a magistrate, proves this in a remarkable degree; and most especially so, if your Lordship bears in mind that hitherto it has been only the worst class of culprits, who were deemed irreclaimable in England, upon whom the sentence of transportation has been carried into effect.

The manner also in which the business of the Supreme Court has been conducted, ever since its first institution, under a firm, able and pains-taking Judge, has tended very considerably to deter the public offender; for, whilst the laws affecting convicts have been most impartially administered, the Government has never been shackled by any forced construction of them, calculated to counteract the moral discipline and control over the whole of that degraded class, which it is so essential to maintain.

Under the authority of an Act of the Legislative Council, a considerable improvement has been introduced in the disposal of most of the convicts sentenced to a second transportation. In place of carrying the sentences strictly into effect, they have in general been modified, and the convicts have been detained in the Colony to be worked in chains or placed on the roads. This has not only saved the expense of transportation, and enabled the Government to apply their labour to a profitable purpose, but has in a very powerful manner served to intimidate others, who thus see their old associates taken from the midst of them, degraded, punished and sentenced to hard labour.

It is, however, hopeless to expect, notwithstanding all these advantages, that the accumulated refuse of the whole population of a country like Great Britain, can be thus disposed of, without considerable numbers continually falling back, and requiring a severer degree of coercion than the service of the settler affords. The several gradations of punishment enumerated in the third paragraph, are therefore open to receive them.

When the admonition or reprimand of the magistrate, the application of the lash, or sentence to the tread-wheel, is found to be of no avail, the convict is at last removed from the settler's service, and placed under the closer and more severe discipline of the gangs in the public works, either in or out of chains, and if this proves insufficient, he is removed to a Penal Settlement.

From this view of the system, it will appear to your Lordship that the service of the settler is not only the most efficient means of punishing and reforming the convict, but also the least expensive; and that all the other classes, from the public works down to the chain-gangs at the Penal Settlements, are more or less charges on the public. It has been my endeavour, therefore, by every modification

in my power, to lessen the numbers in the latter classes as much as possible, and to increase those of the former.

I have already submitted in my Despatch No. 6, of the 8th February 1833, that hitherto, in order as it has been imagined, but I am certain the contrary has been the result, to save expense to the Government; it has been the practice to employ a certain number of convicts as writers in the various public offices, a practice fraught with much evil, and which I am most desirous should cease; and your Lordship will perhaps be of opinion, that it will be much more advisable to remove all ill-conducted educated convicts in future to Tasman's Peninsula, rather than detain them in England, or assign them to service, or employ them as writers.

The objections which lie at the root of the contract system I have submitted already so fully, that I can only repeat my apprehension, that both directly and indirectly it will be found most injurious; in carrying forward a great measure, such as transportation on a large scale, it seems to me, with deference to the Committee, *not* economy, but extravagance in the extreme, to resort to any measure which has for its object the apparent direct saving of a few pounds, whilst the effect of it actually involves a far larger indirect expenditure; destroying the very end and counteracting the very results which transportation is designed to accomplish. A contractor, having a convict mechanic on loan for a few weeks or months, has little or no interest in his becoming industrious, and he will neither punish nor reform him; on the contrary, he will afford him the means of debauchery; and by the introduction of the system as a general measure, the very same impetus will be given to crime here, which has so distressingly filled all the gaols, and hulks, and penitentiaries in England with criminals. Assigned service, and that, so far as possible in the interior, should be the convict's only escape from the service of the Crown, which service should uniformly be conducted on principles of privation of all indulgences and prevention of all crime. It has been the most inverted economy which has led to the employment of convict writers and convict superintendents, but from necessity there has been some excuse for this; there is none for resorting to the contract system.

I have called upon the principal superintendent of prisoners, to furnish a report of the general system by which the convicts are regulated, which I have the honour to enclose.

22 February 1833.

The arrangements for perfecting the management and control of convicts, are, I trust, from month to month improving; and with the comparatively very small increase of expense, I have proposed in this Despatch, a much greater number of convicts might, with perfect safety, and with equal hope of their punishment and reform, be at once transported. At the present time, twice as many as are now in the Colony, might be assigned or advantageously employed, and scarcely any of the departments, with the exception of the police, would require augmentation. As transportation went on, however, it would be necessary, as I have already said, to encourage by every possible means, the emigration of respectable settlers, who constitute so essential a part of the system.

I have not the means of forming an accurate calculation of the expense entailed upon Great Britain by criminals. About 120,000 persons it is said, (many of them after a third or fourth conviction, and even sentence of transportation) are annually confined in the gaols of the United Kingdom. Independent of the direct charge of maintaining these men in gaols, it is but fair to reckon the expense of individuals (which in the aggregate is the same as the nation at large) in the thefts and robberies they had committed, in first apprehending them, conveying them from one part of the country to another for trial, and ultimately of their conviction, with the various costs of the courts, witnesses, &c. The total charge upon the United Kingdom, however, (to say nothing of the vicious influence in a moral sense) must be enormous, and the consideration of it encourages me once more to submit to your Lordship, that the effect of transportation upon a large and extended scale should be tried. If all deserving of transportation, were at once upon conviction put on board ship and sent out forthwith, even should your Lordship not be so sanguine in the results as myself, you will probably acquiesce that there at least exists a high probability that the accumulation of offenders and increase of crime now so loudly complained of, would be circumscribed and sensibly checked. It may be objected that crime at home has become a trade, and as any great body of offenders are removed, you only make room for others who follow the same handicraft; the answer to which, I presume, is that this trade has grown in a great measure through the trading of the old offenders (who not only commit crimes themselves, but are the cause of its commission

commission by others) and that their removal after their first conviction, would check the increase of vice in the same manner as it is said the annual emigration of a certain, not very great, number of young prolific couples would very effectually retard the increase of the population generally.

Letter to Mr. Hay, 25 July 1832.

In my Despatch, (No. 6.) 8th February last, I submitted to your Lordship as the result of much inquiry amongst the reformed convicts, what were the prejudicial effects of the hulk establishment in England, (and I observe that the Committee in their Report to Parliament, fully establish the accuracy of my representation,) and the more I have applied my mind and given my attention to the consideration of this interesting subject, drawing many of my conclusions from the effects produced on the wretched out-casts who have been banished, the more I am convinced that the disposal and management of culprits in England is defective; and were the plan of fitting up the prison at Dartmoor (the situation of which I am well acquainted with) carried into effect, so surely will the nation be making a great outlay for the retention in the country of old offenders, and the consequent propagation of crime; and as must be evident to any person who sees daily as I have done for many years, the effects of congregating convicts within prison walls.

14 February 1833.

A copy of the Government notice I have the honour to enclose, which I caused to be published on the receipt of your Lordship's commands, stirring up all classes to co-operate in their respective situations in enforcing the regulations of the Government, with respect to convict discipline; in which I am happy to state that the community generally continue to give the local Government as much support as can reasonably be expected. In a distinct Despatch I have reported the abandonment of Macquarie Harbour as a Penal Settlement, and only advert to it in this communication for the purpose of observing, that if the regulations of Tasman's Peninsula be extensively circulated in England, His Majesty's Government may thereby revive those terrors of transportation, which it is supposed have been lost since these Colonies have so rapidly advanced in wealth and importance; and it is my conviction that Van Diemen's Land may be made a terror to evil-doers for the next quarter of a century at least, provided it shall please His Majesty's Government to regulate and legislate for it accordingly.

Principal Superintendent of Convicts' Office,
Hobart Town, 22d February 1833.

MEMORANDUM.

THE general control of the convicts sent to Van Diemen's Land is vested in the principal superintendent who resides at head-quarters, and is assisted by an assistant superintendent at Launceston, a superintendent of the prisoners' barracks at Hobart Town, and a superintendent and matron to each of the female houses of correction, together with sundry overseers at the respective stations where parties of convicts are stationed to work, and from whom regular reports are made to the principal superintendent of all occurrences relating to the department; and the principal superintendent is aided by the district police magistrates with whom he is in constant communication, and who in the interior take immediate cognizance of all offences committed by the gangs in the service of the Crown.

This summary will therefore show the classification under which convict discipline is conducted, and as the ticket of leave is the great reward aimed at by every convict, I put him in the first class, as from the good conduct which places him there, elevates him in a great degree above his fellows.

CLASS NO. 1.—TICKET OF LEAVE.

This indulgence can only be obtained by the convict conducting himself in such a manner as to convince the authorities he is so far reclaimed from his evil courses that it becomes no longer dangerous to society to intrust him partially with his liberty, and bids fair to make an atonement for his former misdeeds; it can only be obtained by steady good conduct after a period of probation in service, according to the sentence of transportation, and within which period, *except for special services*, it is never granted.

viz. 4, 6 and 8 years for 7, 14 and Life Sentences.

This indulgence, highly as it is esteemed by the convict population, is held by a slight tenure, and although it gives the convict comparative freedom, yet the condition of holding it is such, that the very first conviction of any offence before a magistrate renders the possessor liable to forfeit his indulgence, and be returned to

that state of bondage from which his ticket relieved him; even with this ticket he is under the strictest surveillance, his place of residence is noted, he cannot move without the permission of the police magistrate of the district, and even then he is obliged to carry with him his ticket for his protection, on which is written his name, his personal description fully and accurately set forth, the place and date of his trial at home, the ship by which he came to the Colony, and any particular personal marks by which he may be identified by the police of the respective districts through which he may travel; his movements are regulated entirely by the police magistrate, who grants him a passport to the district to which his business requires him to go, and his arrival there is duly notified; he is compelled to attend divine service regularly, and is mustered weekly by the police. In the event of his being deprived of his ticket, and which can only be done by the Lieutenant-Governor, on the recommendation of the magistrate, he is at once placed in the hands of the principal superintendent, and worked in one of the public gangs, or assigned to a settler, thus returning to that state of bondage from which his ticket had removed him.

No. 2.—Convicts assigned to Settlers

Are required to devote their whole time and their best services from morn to night to the masters who have been appointed by the officers composing the "Assignment Board" to employ them. A fixed but limited ration is allowed, and clothing of the commonest description, according to an approved scale, must be furnished by the master, together with decent bedding and surgical attendance when required, and although the servant is compelled to be the slave of his master's will during the period of his servitude, and thus made to feel the penalty of his crime, yet the prospect of a comparative freedom (however limited) is afforded him, and in consequence of good conduct during the regulated period, or for special service to the Government, brings with it the enjoyment of a ticket of leave, and generally induces those in whom some good feeling is left to work out their period of probation with mutual advantage to their masters and themselves.

Beyond the common necessaries of life, no luxury is authorized by the Government; plain food, and merely such rest as nature and circumstances require, is all that the convict assigned servant can obtain for his labour; but his master is bound by Government regulations to see that the moral state is strictly attended to, and he is also compelled to attend divine service whenever practicable.

The convicts of this class are immediately under the control of the police magistrate of the territory, with whom the principal superintendent is in constant communication, and from whose returns that officer is made acquainted with all the delinquencies committed to this class.

No. 3.—Convicts employed in the Public works, out of which the Loan Gang is constituted.

Convicts who are employed in the public works are kept in barracks, with the exception of a few very well conducted men as overseers, and men with wives and families, and these last are not allowed this indulgence without an ample probation; they are named for labour by a bell at break of day, shortly after are mustered to their respective places of labour by the overseers (appointed for good conduct), who themselves working for indulgence, see that their men strictly perform the work required of them, either as mechanics or labourers; on no account are they permitted to labour for themselves.

At stated periods they either return to the barracks for the purpose of taking their meals, or they are, if the nature of their labour requires it, furnished with their rations on the spot, prepared by cooks in the prisoners' barracks, kept for that purpose; and when the bell for labour again rings, they resume their work, and remain at it till night fall, when they are marched to the barracks to rest; but before being locked up in the wards, are mustered and closely inspected by the superintendent of that establishment.

This is the case with all convicts so employed; a fixed system of labour is rigidly enforced, and whether the convict be used to better days or a mere common labourer, the same system is pursued.

From this body the settlers are supplied with mechanics on loan for limited periods, to enable them to erect their dwellings, barns, &c., without which assistance, on account of the want of competition, arising from the limited number of free mechanics, improvements in the interior would be very limited; the convict thus

thus lent is chosen for good behaviour, and the improvements consequent thereon throughout the Colony, are universally felt to be most solid and lasting, and experience has shown that the conduct and habits of the convict employed in this particular service, have improved in the same ratio. The settler is bound to the Government to observe the strictest discipline with regard to the convicts thus lent, and the slightest infringement of the regulations towards the convicts on loan, not only deprives the settler of the mechanic, but he is for the future deprived of such indulgence. However well the convict mechanic may behave while on loan, he is not permitted to claim any emolument or indulgence beyond what he would receive in the public works, save such only as by his good conduct, becomes a voluntary gift on the part of his master.

Repeated misconduct invariably withdraws the mechanic from the loan gang, and places him for further probation in one of the public gangs.

No. 4.—Convicts employed in the Roads.

The roads through the Colony are formed and kept in repair by the convicts, who are sentenced to this labour by the magistrates, and whose offences are considered not of that magnitude to subject them to a chain gang; they work in parties and live in huts as near to the scene of their work as possible; they are not commonly superintended by free overseers, but in some few instances, when the gangs are not large, by prisoners of well known good character who work for indulgence; the labour is constant the whole of the day; the pick, the spade, and the barrow are the implements used; the limited Government ration is all that is allowed them, and the punishment is considered by the men to be severe; witness the constant applications for the men to be again allowed to be placed in private service. To excite a degree of reformation, returns are made at regular periods, stating the behaviour of each man while in the gang, and the committee before whom these returns are made, (of which the princpal superintendent is a member,) fully satisfy themselves that an amendment of character has taken place, before they recommend to the Lieutenant-Governor their re-assignment.

No. 5.—Convicts working in Chains

Are men on whom almost every species of minor punishment has been inflicted in vain. They perform their labour in gangs by day, and are lodged in a hulk by night, constantly in double irons, varying in weight according to the nature of offence or hardihood of the offender; they also sleep in fetters, their food is coarse and scant, but from being so totally kept from dissipation, few cases of sickness arise; their work is incessant, and consists of breaking and wheeling stones for repairing the roads.

A gang of the most depraved is selected out of this class, and placed to the heaviest and severest labour.

Colonial sentences of transportation and those whose weighty sentences from Penal Settlements have been commuted by the Lieutenant Governor, form a considerable portion of this class. To be relieved from this wretched state requires the utmost good conduct; every fresh offence prolongs the servitude and renders the offender less chance of relief; they are constantly guarded by the military, and denied the smallest indulgence. They are, however, like the last class of convicts, regularly reported to the Lieutenant-Governor by the committee.

No. 6.—Convicts at Penal Settlements.

These convicts are divided into classes according to the nature of their offences, and are composed,—

1st. Those under colonial sentence:

2d. Those whose offences before coming to the Colony were of an atrocious nature:

3d. Those whose offences on the voyage require a marked example:

4th. Is distinctly kept for such of the educated convicts, whose irregularities compel the Government to administer to them a most rigid coarse correction.

The punishment of these stations is most severe, both from natural causes and likewise from the means adopted for the enforcement of severe labour as punishment; the convicts are incessantly occupied in the most painful work, and a most strict surveillance is kept by their overseers to prevent any relaxation.

It is only by a long course of marked good conduct, that any convict thus sentenced can ameliorate the stern character of his punishment. The smallest indulgence beyond the scanty ration provided by the Government is withheld, and they are also debarred holding any communication whatever with any friend or companion they may have left behind, without a special permission being granted.

Without "hope" the convict would not be instigated to amendment, and therefore a gang is established, into which are placed such men who for a length of time have conducted themselves perfectly to the satisfaction of the commandant, and from which class alone, are chosen those most fitting and deserving to fill the most subordinate offices.

No. 7.—The Chain Gangs at the Penal Settlements

Form a separate and distinct feature in the system of convict discipline; they consist of those convicts whose crimes have especially called down upon them sentences to labour in irons at these places of punishment, and of those whose misconduct at the settlement has compelled the magistrates to remove them from the other gangs. The work appointed for them, is of the most incessant and galling description the settlement can produce, and any disobedience of orders, turbulence or other misconduct, is instantaneously punished by the lash.

Returns of the conduct of each individual are regularly made to the principal superintendent, and recorded for the information and consideration of the Lieutenant-Governor, before any convict can be brought up and again placed to service in the settled districts.

Josiah Spode, Princ^{l} Sup^{t}.

GOVERNMENT ORDER.

No. 2.

Colonial Secretary's Office, 14 February 1833.

His Majesty's Government having been pleased to enjoin the strict fulfilment of the law upon all convicts sent to this Colony, and that their punishment should be certain and severe, the Lieutenant-Governor directs the renewed attention of all public officers connected with the convict department, to the instructions which have from time to time been issued to them on the subject.

His Excellency is desirous especially to impress upon them the necessity of invariably exacting the due portion of daily labour from each convict, and of not permitting any remission or indulgence but such as have been previously and especially authorized.

The orders prohibiting convicts employed on the roads and in the public works, (including clerks, messengers and persons of that description) from labouring under any pretence for private individuals, or to the advantage of those in charge of them, are at all times to be most perseveringly and carefully enforced; and to avoid any misconception in a matter deemed so important by His Majesty's Government, the instructions are to be understood most peremptorily to forbid every species of indulgence beyond the food, clothing, bedding and lodging authorized by regulations to every convict.

A proportionate degree of restraint and watchfulness over all assigned convicts is equally essential, the object of their reform as well as punishment must never be lost sight of. His Excellency is sensible that this end could never have been so successfully attained as it has been without the zealous co-operation of the colonists at large, who, in conjunction with a due exaction of labour, have very generally insisted upon the observance of orderly and regular conduct.

As it is through this good feeling on the part of the colonists generally that the police has proved so efficient an auxiliary in the general control of the convict population, and as it would be unjust to allow the exceptions which may yet exist to affect the reputation of the Colony at large; the Government will still more firmly pursue the course of withdrawing assigned servants from all masters who neglect to regard cleanly, decent and sober habits in and out of their huts, and a seasonable attention to moral and religious duties, as part of the compact under which the labour of the convicts is placed at their disposal.

The Lieutenant-Governor on this occasion feels it due to the general body of settlers to acknowledge his obligation to them for the cordial support he has received at their hands in the control and management of the convict population, with which no political differences have been permitted to interfere, and his Excellency

lency does so with the more satisfaction at this particular time, when the attention of the Imperial Parliament is so especially drawn to the consideration of the important subject of prison discipline, and when the state of things in the Colony has placed the Local Government in a situation to contradict the unjust imputations which have been raised against transportation as a punishment.

By His Excellency's command,

(signed) *J. Burnett.*

NEW SOUTH WALES.

No. 11.

EXTRACT of a DESPATCH from Major-General *Bourke* to Viscount *Goderich*, &c. &c. &c.

Government House, Sydney,
3 November 1832.

I HAVE found it unavoidable to add to the charge for convicts. It has been necessary to place the ironed-gangs under a stricter control than they have hitherto experienced. It was a general and well-founded complaint that little labour was performed by those convicts, and that the frequent escapes from the gangs filled the roads with robbers. This imperfect management I attributed in a great degree to the gangs having been placed under overseers of the convict class, appointed by the surveyors of roads. I have thought it right, therefore, to remodel the gangs entirely, and to place the whole under the charge of the principal superintendent of convicts. Under him are superintendents and constables at each of the stockades, who have the legal custody of the prisoners, and discharge, in conformity to a code of regulations, duties similar to those of gaolers and turnkeys in permanent prisons. To aid these persons in providing for the safe custody of the convicts, a military guard is stationed at each stockade. The direction of the work to be performed by the convicts, remains as before with the assistant-surveyor, who is moreover empowered by the late Act of Council, 3d William IV. No. 3, to punish by whipping, not exceeding fifty lashes, any disobedience, neglect of work, or other misconduct of the convicts.

The short time that the system has been in operation, will not allow me to say more of its efficacy, than that as yet there has certainly been more work done, with fewer escapes than formerly. One superintendent is placed at each stockade, and one constable to every 75 convicts. Not more than two superintendents and seven constables are as yet appointed, but it will be necessary to augment the number, if the convicts increase, as will probably be the fact; the late Act of Council having in many cases substituted a sentence to labour in irons on the roads, for transportation to a Penal Settlement; a measure which I am in hopes may enable me at no distant period to propose to your Lordship to do away with the expensive establishment at Moreton Bay. The arrangement being in my opinion, absolutely necessary for the better ordering of the convicts and the security of the settlers, I hope your Lordship will approve of my having carried it into immediate effect.

No. 12.

COPY of a DESPATCH from Major-General *Bourke* to Viscount *Goderich*, &c. &c. &c.

Government House, Sydney,
21 November 1832.

My Lord,

WITH my Despatch of the 30th October last, I had the honour to transmit for His Majesty's gracious allowance, an Act of the Governor and Council, 3 Will. IV. No. 3, "for consolidating and amending the Laws for the Transportation and Punishment of Offenders in New South Wales," and for other purposes, chiefly affecting the convict population of this Colony. Since I wrote that Despatch, I have received through the agent, the Act of the Imperial Parliament 2 & 3 Will. IV. c. 42, "for abolishing the punishment of Death in certain cases,

and substituting a lesser punishment in lieu thereof." The second section of this Act being at variance with the last (36) section of the Act of the Governor and Council, and being calculated to produce a considerable change in the treatment hitherto experienced by the transported felons in the Colony, it becomes my duty to offer to your Lordship some observations on the subject.

The second section of the Act of the Imperial Parliament embraces two points; first, it restrains the power of Governors of Colonies to grant tickets of leave or exemption to convicts until after certain specified periods of servitude. Secondly, it disables convicts from acquiring property or maintaining suits in courts of justice, previously to pardon.

With regard to the first point, from the periods of servitude named in the Act being those which are specified in the regulations now in force in the Colony, it might seem that the latter were within the purview of the Imperial Legislature in passing the Act now under consideration. But the provision in the Act forms but one part of the Regulations, and the exceptions to the rule which are allowed in the regulations are wholly omitted in the Act. By the 9th George IV. c. 83; s. 9, "the Governor of New South Wales is empowered to grant such temporary or partial remission of sentence, as to him may seem best adapted for the reformation of offenders, and such temporary or partial remissions from time to time to revoke or renew as occasion may require." Previously to the passing of this law, the Governor's power appears strictly to have been limited to granting absolute or conditional pardons under the 31st George III.; but it had been the early practice of the Colonial Government to grant tickets of leave and exemption from forced labour to well-conducted convicts. Rules for the general use of these remissions were published by Sir Thomas Brisbane in 1822, and re-published by General Darling in 1827. By the last named regulation, certain services rendered to the Government, such as the apprehension of "runaways" and "bush-rangers," and the bringing to justice receivers of stolen property, entitled the meritorious individual to a ticket of leave upon a shorter period of service than that set forth by the Act; and by an order of General Darling's issued in 1831, convicts employed as constables were entitled at the end of three years' service, to a ticket of leave. Again, as a reward for good conduct, and with the view of augmenting the population of the Colony and relieving the mother country, well-behaved convicts were authorized, after two years' service, to apply to the Home Government for the removal of their wives and families to New South Wales, and upon their arrival, received tickets of leave or exemption, to enable them to labour for the support of the families thus placed in dependence upon their exertions. In other cases, when the wives and families of convicts have come out at their own expense, the husband or father, if a well-behaved person, has usually been permitted, even on a shorter period of servitude than two years, to labour for the maintenance of himself and his relations. This last indulgence, and some others of the same kind, were exercised more at the discretion of the Governor than by any fixed rule; but being made dependant on the good conduct of the convict since his arrival in the Colony, they have no doubt had the salutary effect contemplated by the provision of the 9th George IV. c. 83, a provision which is now in great measure repealed by the late Act. The prudent use of the indulgence authorized by the former statute, has operated very favourably upon the conduct of the convict population, and has been generally, and as it would seem justly, considered one of the most powerful and efficient means of preserving the peace and good order of the Colony. It was also a safe measure of indulgence, being immediately revocable in case of misconduct, and not exempting the possessor from the summary jurisdiction of magistrates created by the same Act.

I should in this place further observe, that the present regulations allow tickets of leave to female servants under sentence for seven years after two years' service in a family or the factory, or after two years' good conduct in the married state; for fourteen years, after three; and for life, after four. A remission from forced labour has almost always been allowed to women on their marriage. I need hardly represent to your Lordship the impediment to marriage which is imposed by the present Act requiring four years as the shortest period of servitude.

The latter part of the second section may be regarded as declaratory only, as it has I believe always been considered that persons sentenced to transportation and servitude either by immediate judgment of a Court or by the commutation of the Crown, were incapable of holding property or of sustaining a right to it in a Court of Justice previous to a pardon, absolute or conditional; the latter class by the effect of attaint, and both classes by the condition of the law, namely, assignment

to

to servitude and labour. But the experience derived from having to deal with these classes in the Colony has proved the necessity for a Colonial enactment, without which the law of England as respects those disabilities would be wholly inoperative. It had been found impossible under a plea of convict attaint to produce in the Colony the record of conviction or proof of the identity of the person, which I understand would be required in such cases in English Courts. It has therefore been found necessary to relax the law of evidence, as your Lordship will perceive by the 35th section of the Colonial Act, 3 Will. IV. No. 3, and to make the fact of coming to the Colony as a transport sufficient *primâ facie* proof of being a convicted felon sentenced to transportation. But while the Colonial Legislature thought it proper to introduce an easy mode of enforcing the disabilities of the law of England against convicts in the first stage of their punishment, it was deemed just to extend protection to those whose good conduct had procured for them a partial remission of their sentence by the grant of a ticket of leave or exemption. Accordingly by the 36th section convicts so qualified are allowed to maintain actions for the recovery of any property acquired during the remission, and for any damage or injury sustained since that period. It is in this particular that the Colonial law is at variance with the 2d & 3d Will. IV. c. 42. If on this account the 36th section must necessarily be disallowed, I submit to your Lordship whether the 35th should not be rejected also, and the person pleading convict attaint to elude a demand, be put to his proof, as required in the English Court.

But omitting altogether the law of the question, I would observe that it is difficult to conceive the object of remitting the servitude of an offender and throwing him upon his own resources, if at the same time he is kept subject to a disability which deprives him of any certainty of obtaining the fruits of his labour. The condition of the holder of a ticket of leave or exemption is usually this:—He is first of all *taken off the stores*, as it is technically called, or relieved from the power of a master by whom he was *clothed and fed*, and is authorized within a certain specified district to pursue any honest avocation for his livelihood. He becomes either a tenant to a small farm, or a little shop-keeper, or a menial servant, or he works as a labourer or mechanic if he professes trade. In the first of these situations he covenants to clear the land or to pay rent, and must in consequence possess property, and according to the extent of his land be engaged in buying and selling. In any of the other situations he becomes the creditor of his employer or customer. If he is to have no means of calling in his debts or recovering his wages, it is difficult to say what will become of him; assuredly he can hardly escape connexions in this Colony with persons who will readily avail themselves of his disability to get rid of his demands; he will be exposed to rapine, violence and fraud, and if a reformed character and a well-disposed person, will probably resume his state of servitude in order to live; if of a depraved disposition, he will have recourse to swindling, or take to the bush and become a robber. If a man has a family, his case will be one of more aggravated distress. In this way I fear the operation of the late Act will go to break up a very numerous class of persons, amongst whom there are many reformed characters, sober, honest and industrious persons to be found.

I may further observe, that any longer to employ these persons as constables with salaries will, I apprehend, be to violate the spirit of the enactment; and the idea of taxing holders of tickets of leave must surely be abandoned as long as they are pronounced incapable of acquiring or retaining property.

I have thought it right to submit these observations upon an enactment which I am much afraid will operate very injuriously in the Colony, and which it would therefore give me great pleasure to find repealed. I transmit a printed copy of the Regulations of this Colony relating to Tickets of Leave.

I have, &c. *Rich^d Bourke.*

TICKETS OF LEAVE.

(Circular to the Magistrates.)

Colonial Secretary's Office, Sydney,
1st January 1830.

Sir,

The distinction between the several forms of remission of sentence granted to prisoners of the Crown, and the nature of the indulgence which they are respectively intended to bestow, appearing to be imperfectly understood, I am directed by

his Excellency the Governor to request your attention to the following statement; viz.—

1st. *An absolute pardon*, when issued under the Great Seal of England, but not before, restores the individual to all the rights of a free subject in every part of His Majesty's dominions from the date of the instrument.

2d. *A conditional pardon*, when approved by His Majesty, through the Secretary of State, but not before, restores the rights of freedom, from the date of the instrument, within the Colony, but it bestows no power of leaving the Colony, and no rights whatever beyond its limits.

This and the former, when once confirmed according to law, cannot be revoked, and the holders are, of course, equally empowered to pursue their lawful occupation in any part of the country, as if they had never been convicted.

3d. *A ticket of leave* is a permission to the individual to employ himself for his own benefit, and to acquire property, on condition of residing within the district therein specified, of presenting himself and producing his ticket before the magistrates at the periods prescribed by the regulations, and of attending divine worship weekly, if performed within a reasonable distance; but he is not allowed to remove into any other district, without the express sanction of Government entered on the face of the ticket; the ticket itself is liable to be resumed at any time, at the pleasure of the Government; and in that case, the individual reverts to the situation of a prisoner of the Crown in every respect.

4th. *A ticket of exemption from Government labour*, differs from a ticket of leave, in conferring no permission for the individual to employ himself for his own benefit or to acquire property; but simply the privilege of residing until the next 31st December with the person therein named, generally a relation, or some specific district, and no other. In requiring the attendance at muster and divine worship, it is as strict as a ticket of leave; and like it, is liable to be resumed at any time by his Excellency's order; it is also void, if not renewed on the 1st January every year, and the owner then becomes liable to be treated as a prisoner of the Crown, unlawfully at large.

As it is evidently of importance that the regulations with regard to these individuals should be strictly enforced, and their residence and employment always known, and as numerous instances have been detected of persons who hold the inferior, pretending to possess superior indulgence, also of their residing at a great distance from the prescribed districts, and merely attending on the appointed muster days; I am further directed by his Excellency to recommend your adopting the following rules, with a view to prevent the above-mentioned and other similar irregularities; viz.

1st. That a register be immediately opened of every person residing in your neighbourhood, under a remission of sentence of any kind, noting the same accordingly.

2d. That every change of district in tickets of leave and exemption tickets sanctioned by the Government, be carefully entered in the same register; both of individuals allowed to come from other districts into yours, and of those permitted to remove elsewhere. With this view the proper particulars will always be duly communicated to you by the principal superintendent of convicts.

3d. That care be taken to cause every instrument of remission in the first instance, and afterwards every ticket of leave and exemption ticket, to be actually produced to you on the prescribed days, and marked with your initials, in order that it may serve as a proof at any future time, how far the holder had complied with the regulations.

4th. That measures be adopted from time to time to ascertain that every individual is actually resident in the stated place, and has a visible means of obtaining an honest livelihood.

5th. That every breach of the regulations, or other serious offence, be reported to the Government (through the principal superintendent of convicts), together with a recommendation that the indulgence may be either suspended for a certain limited time, or totally cancelled, as the circumstances may appear to you to require; and accompanied in the latter case, by the instrument itself, in order to its being destroyed, if such be his Excellency's decision.

I have the honour to be, Sir, your most obedient Servant,

Alexander M'Leay.

P. S. I avail myself of this opportunity to inclose a copy of the summary of the Ticket of Leave Regulations, and I am commanded to request your best attention to them.—(*The following are the Regulations here referred to.*)

REGULATIONS RESPECTING TICKETS OF LEAVE.

Colonial Secretary's Office, Sydney,
1st November 1831.

THE regulations for granting TICKETS OF LEAVE appearing to be misunderstood in numerous instances, it has been thought advisable to publish the following summary and explanation of them, with instructions for filling up the monthly lists of abstracts of applicants recommended; viz.

MALE CONVICTS.

APPLICATIONS. Government Orders, 1st January 1827, N° 1, paragraphs 6th and 8th; and 18th March 1829, N° 11.

Government Notices, 15th February and 12th March 1827 and 1st July 1831.

Applications for tickets of leave, in the annexed Form (A.) " are to be made periodically (once a month) to the Bench, to consist of not less than three magistrates of the district in which the applicant is employed, and the magistrates will notify in their respective districts the period which they may fix on as most convenient for receiving these applications.

" Applications from persons in the district of Sydney are to be transmitted to the office of the principal superintendent of convicts.

" Should the master of any prisoner applying for a ticket of leave consider the applicant undeserving the indulgence, he should state the circumstance in writing to the Bench. A certificate of good conduct is not, however, to be considered indispensable to a servant's obtaining a ticket of leave.

" His Excellency the Governor having been pleased to direct that the fee of 2*s.* 8*d.* which has been usually received from convicts obtaining tickets of leave, shall not be paid in future, the magistrates are requested to communicate personally to the individuals who receive tickets of leave that they are not to pay any fee whatever.

" There being also reason to apprehend that money has been exacted from individuals, under pretence of obtaining indulgences for them and facilitating their applications, His Excellency further requests that the magistrates will take an opportunity of guarding individuals against such imposition, and will report them when any person shall be detected in practices of this nature, in order that he may be dismissed from employment.

" Many complaints having been made of the delay that takes place in answering applications for tickets of leave, his Excellency the Governor directs it to be notified that the lists of applicants may be sent in three months earlier than was allowed by the Government Order of 1st January 1827, No. 1, so as to admit of their being fully examined, and the indulgence punctually granted to such persons as may be found eligible.

" At the same time it is proper to point out that much of the delay complained of has been occasioned partly by the non-communication of the replies transmitted to the magistrates, and partly by the recommendation of prisoners who had been recently punished or were otherwise disqualified. It appears, from a Return recently prepared, that one-fourth of the whole number of applications submitted had been necessarily rejected as being inconsistent with the regulations."

His Excellency therefore requests that the magistrates will be particularly careful, both to exclude every applicant not really entitled, and to apprise each individual of the result of his application, with as little delay as possible, after the same has been communicated to the Bench in the usual manner, by the principal superintendent of convicts.

QUALIFICATIONS.

Government Order, 1st January 1827, paragraphs 1st and 2d.

Prisoners transported for any of the following periods, will be considered eligible to hold a ticket of leave, under the stipulations hereafter specified:

" Transports for SEVEN YEARS, having served four years with one, or five years with two masters.

" Transports for FOURTEEN YEARS, having served six years with one, eight years with two, or ten years with three masters.

" Transports for LIFE, having served eight years with one, ten years with two, or twelve years with three masters.

" Prisoners will be considered eligible, though the number of masters whom they have served may exceed the number above specified, provided it shall clearly appear that their removal from these places was not occasioned by misconduct."

Government Notice, 30th January 1827.

" The Governor is desirous that the most ample latitude should be given to the regulations, so that the prisoners who have endeavoured to atone for their former offences, may enjoy the full benefit of their good conduct, and that the example thus held out may stimulate others to merit the like indulgence."

The intention of the foregoing is not that a prisoner, who has been in the number of services mentioned in each case above, is to be allowed a ticket of leave in the same time as if he had only served one master; but, that although he exceed the larger number there specified, he may nevertheless obtain this indulgence if the removals have not been caused by his own misconduct.

In calculating the number of services a prisoner has passed through, and estimating how far they have been caused by himself, the following rules are to be observed; viz.

1st. A transfer from private service, either to another private individual or to Government, is reckoned as one change, but from Government to private service is not so reckoned.

It is therefore evidently of importance, not only to specify the number of services the prisoner has passed through, but to state them in the same order in which he entered them.

2d. If the reason given for the transfer be merely that the master " had no further occasion for him," or if " no cause " be assigned, it is considered as a proof that the prisoner has not exerted himself, or made himself sufficiently useful to induce his master to retain him, and his ticket is postponed accordingly.

3d. But in cases of mechanics of particular trades, of persons incapacitated from labour by sickness, the death of the master, his quitting the Colony, or other circumstances in which it is evident that the prisoner has been transferred solely for his good qualities or peculiar usefulness, or for reasons which it was physically impossible to control, the change of service is not allowed to operate to his prejudice.

It is plain, therefore, that all such reasons ought to be distinctly stated.

Government Orders, 1st January 1827, Paragraphs 4th & 5th.

" Any prisoner who shall apprehend two runaways, having been absent not less than 48 hours from the service of their employers, or one bush-ranger or person guilty of felony, or who shall bring to justice a fellow servant who has robbed his master, shall be allowed a deduction of six months from the above period; and any prisoner who shall bring to conviction any receiver of stolen property, shall be allowed a deduction of twelve months from his period of service; the conviction of two receivers shall be equivalent to two years service, and bringing to justice THREE RECEIVERS OF STOLEN PROPERTY, shall qualify a prisoner immediately to receive a ticket of leave."

" The period of six months, on account of the services above specified, will be extended in proportion to any greater number of the said description of offenders who may be brought to justice."

In stating the claims for these extraordinary services, it is of importance that the different classes of offenders should be accurately distinguished, whether " runaways having been absent not less then 48 hours," or " bush-rangers," &c. so as to enable the Government to ascertain exactly the degree of indulgence to which the applicant is entitled.

Government Notice, 15th February 1827.

" A person will be eligible to hold a ticket of leave under the present regulations, although he may have committed an offence, and have even been punished; provided that subsequently to the commission of such offence, he shall have conducted himself in a meritorious manner for the period, to render him eligible for that indulgence."

In compliance with this provision, the probation of each applicant (except those who have been sentenced to Penal Settlements, is to commence from the date of the last punishment; but if the fault, for which that punishment was inflicted, shall appear of so venal a nature as to render an entire recommencement of the probation too severe a penalty for it, the magistrates will use their discretion, by withholding their

their recommendation for two, three, six months, or such time as the circumstances of the case may appear to them to require, taking care, however, to specify on the face of the abst act, when the application is finally recommended, that they have done so.

But no prisoner, while under sentence to a Penal Settlement, is to be considered as in any way eligible for this indulgence: if his said sentence has been strictly regular, his probation will commence on the expiration of that sentence; but where the term of re-transportation has been left indefinite, and in the cases of individuals who have been permitted to return from the Penal Settlements, under the proclamation of his Excellency the Governor, dated 8th June 1826, the probation is to be considered as commencing either at the end of three years from the date of passing the colonial sentence, or on the date of the said proclamation, which ever falls the latest.

SPECIAL QUALIFICATIONS.

Government Order, 23d May 1831, N° 12.

"It having become necessary, in order to reduce the expense of the police establishment, to revise the present system, his Excellency the Governor has been pleased to order the following regulations to be established; viz.

"1st. Prisoners of the Crown shall be employed as constables.

"2d. Every prisoner who shall be so employed, shall receive a ticket of leave at the end of three years' service; provided the magistrates, under whom he has been employed, shall report that he deserves that indulgence.

"3d. At the expiration of five years' further service, that is, from the date of his receiving a ticket of leave, every such prisoner shall, on producing a certificate from the magistrate as above, receive a conditional pardon.

"4th. No man will be admitted into the establishment, unless he be able-bodied, active and intelligent; nor unless he produce satisfactory testimonials of good conduct; nor will his services entitling him to a ticket of leave commence until he shall have been two years in the Colony, although he may have been previously appointed a constable.

"5th. Misconduct during the period of a prisoner's service as a constable, will deprive him of all claim to the advantages held out, and it will be the duty of the magistrates immediately to report to the Colonial Secretary, for the Governor's information, whenever a constable shall misbehave, or become unfit for the duty of his situation."

CONDITIONS RESPECTING RESIDENCE, ATTENDANCE ON DIVINE WORSHIP AND MUSTERS.

Government Order, 1st January 1827, paragraphs 11 & 12.

"Tickets of leave, except in the case of meritorious public services, or other special circumstances, will be granted for one district only.

"A man holding a ticket of leave, who shall apprehend two runaways, or one bush-ranger, or person guilty of felony, or who shall give information which shall lead to the conviction of a receiver of stolen property, or of a person harbouring a prisoner of the Crown, shall have his ticket of leave extended to two or more districts, according to the circumstances of the case."

The districts for which the tickets are recommended, ought to be those in which the applicants are residing at the time, unless there be strong reason to the contrary. When extended to two districts, these ought to be contiguous, and in no instance ought an applicant to be recommended for a town, if not already resident there, especially for Sydney.

It is scarcely necessary to point out, that this regulation is made with a view of keeping the holders of tickets of leave as much as possible in the district where their persons and characters are already known, of diminishing the resort to the places of greatest demoralization, and of equalizing the distribution of labour, especially that of mechanics, throughout the Colony, as much as practicable. The same principles ought also to be kept in view in recommending the alterations of tickets of leave from one district to another.

Government Order, 28th May 1830, N° 6.

His Excellency the Governor directs it to be notified—

"1st. That although authorized by the 13th paragraph of the Government Order of 1st January 1827, N° 1, to grant passes for one month to prisoners holding tickets of leave, and if not abused to repeat this indulgence on some subsequent occasion, magistrates have no authority to renew passes from time to time to the holders of

tickets of leave, or to grant passes under any circumstances to other prisoners of the Crown, excepting only their own servants.

"2d. That such passes are not to be granted in future for more than fourteen days without the express permission of the Governor, and that all passes are to be made out according to the annexed form (B.) and to have the description of the party distinctly written on the back, it being of importance that it should be known whether the individual who receives a pass is proceeding on the business or to the destination for which it was granted; and all magistrates, constables, &c. are hereby required to apprehend and report to the principal superintendent of convicts any ticket of leave man or other prisoner of the Crown proceeding in a different direction to that for which the pass was granted.

"3d. That any prisoner holding a ticket of leave or ticket of exemption from Government labour, who shall be discovered to be out of his prescribed district more than fourteen days in a year, without the special permission of the Government, will immediately forfeit his ticket, notwithstanding any pass with which he may be furnished.

"4th. That in order to prevent the practice which has obtained of individuals residing in one district and attending the periodical musters in another, all holders of tickets of leave and tickets of exemption are to be mustered once a month by the magistrates of the respective districts, who are to appoint certain places and days for the purpose, of which the holders of such tickets are to make themselves acquainted by application to the magistrates nearest to their residence respectively; and if any such person fail to attend at the place and time so appointed, he or she shall immediately be deprived of his or her ticket.

"5th. That any person who shall grant a pass to his assigned servant, at variance with the present regulation, will be noted in the proper office as not being allowed to receive assigned servants in future, and the name of such person will be published in the Gazette as having forfeited his claim to indulgence from Government.

"Magistrates and other persons who may have granted passes to ticket of leave men, or to their assigned servants, are requested to take the necessary steps for immediately recalling the same.

"The above is to be read and explained to men holding tickets of leave and tickets of exemption on the days of muster."

Government Order, 1st January 1827, paragraph to Government Order, 27 August 1830, N° 10.

"Ticket of leave men, who habitually neglect to attend divine worship, will be deprived of their tickets; those who reside in the towns, or within five miles of a place affording them an opportunity of performing their religious duties, and shall neglect to attend, are to be reported by the magistrates or other persons to the Colonial Secretary, when due notice will be taken of their conduct.

"His Excellency the Governor is pleased to direct that persons charged with the superintendence of convicts in the towns of Sydney, Paramatta, Windsor, Liverpool, Newcastle and other places where Government establishments exist, will make a point of mustering all convicts holding tickets of leave and tickets of exemption, as well after as before their proceeding to church on Sundays, as a more certain means of insuring their attendance during divine service.

"His Excellency further directs, that this order be read the first Sunday in every month to these men, so that they may clearly understand that any one who shall absent himself from church will be immediately deprived of his ticket, and the superintendent will be held strictly responsible to report any such individual accordingly."

Circular to the Magistrates, 21st October 1831.

"With reference to the Government Order of 27th August 1830, N° 10, respecting the Sunday muster, both before and after divine service, of persons holding tickets of leave and of exemption, in the towns therein mentioned,

"I am directed by his Excellency the Governor to acquaint you, that it has been represented that this muster is altogether neglected in places where there is no resident magistrate, and to request that you will call upon the constables under your direction every Monday, and on the days after Good Friday and Christmas-day, to report the absentees from the musters in question.

"I am also directed to inform you, it is to be understood that attendance of the prisoners alluded to is required, as well on the two festivals above mentioned as on the Sabbath-day, although not so specified in the Government Order in question."

Miscellaneous Conditions.

Government Order, 1st January 1827, paragraphs 3 & 16.

" Prisoners in the immediate employ of Government will be considered eligible to receive a ticket of leave under these regulations, the same as those in the service of individuals. In the event of Government requiring their services after they have received their ticket of leave, they will be allowed wages according to their qualifications during the period they may be retained.

" Holding a ticket of leave for a period of six years will be a recommendation to the individuals receiving a conditional pardon."

Preparation of Lists.

Government Order, 1st January 1827, paragraphs 7 & 9.

" The merits of the respective applicants are to be strictly investigated; when necessary reference must be made to the Benches of those districts in which the applicants may have formerly resided.

" The several Benches will forward once every month to the principal superintendent of convicts in Sydney, a list (according to a form which will be furnished) of the individuals whom they consider eligible to receive tickets of leave. The superintendent will examine the registers in his office, and refer in such cases as may appear necessary to the police office in Sydney, and will forward the magistrates' lists, with his report, to be submitted to the Governor."

In filling up the monthly lists or abstracts, an attention to the following points has been found to contribute to clearness and facility of reference; viz.

1st. That the names in each abstract be arranged alphabetically.

2d. That the space of at least one inch and a half be left between every name and the next, so as to afford room for the report of the principal superintendent of convicts, or other particulars that may be found necessary.

3d. That when the remarks extend to several lines, the applicant's name be written opposite the first of those lines and not opposite the middle with a bracket - - - - - - -

4th. That reference be made to the several benches in the districts where the applicants have formerly resided, and that it be certified on the face of the abstract whether this has been done in each case or not. It is not necessary, however, to insert transcripts of the replies, but merely the substance, briefly.

5th. That care be taken to fill up all the columns as required by the regulations, and pointed out by the heading of each, much delay and additional correspondence having been occasioned by a want of attention to this particular.

6th. That no part of the sheet be torn off, although the abstract contain but few or even one name only, and that if one sheet be insufficient, another be sewed to it with tape in the usual manner, in the upper corner of the left hand, but that a second sheet be never joined to a former by paste or wafers, or added on at the foot in any way.

The object of these directions is to insure uniformity in the abstracts when completed, it being found to contribute materially to the facility of preserving public documents and thereby to their security, if all papers of a similar nature be made of one size and shape.

7th. That magistrates sign their names under columns of " *claims and objections*," and not under that of " *principal superintendent of convicts* ' *remarks*' " as is generally practised, since the latter ought to be necessarily reserved for the signature of that office.

FEMALE CONVICTS.

The mode of applying for tickets of leave, and the rules for granting them to female convicts, are in all respects exactly the same as detailed above with regard to males, except in the period of probation, as shown by the following extracts from the Government Order of 17th March 1829, N° 10; and a Circular Letter addressed to the magistrates, on 4th September 1829; viz.

" With the view of encouraging good behaviour among female convicts, his Excellency the Governor has been pleased to direct that the existing regulations relative to the granting of tickets of leave, shall be modified with respect to them,

and that they shall be allowed that indulgence after the following periods of uninterrupted good conduct in service, in the married state, or as monitresses in the factory; viz.

"A female under sentence for seven years, after two years; for fourteen years, after three years; and for life, after four years.

"Women returned to the first class of the factory, will not be considered as having forfeited their claim to a ticket of leave; as a return to this class implies that the individual has not been guilty of any fault."

CIRCULAR LETTER, 11 September 1829.

"At the instance of the board of management of the female factory, Paramatta, it is recommended that women sent to the factory for pregnancy, when not living with their husbands, may be sentenced to the second class.

"If this precaution be not observed, the circumstance of bearing illegitimate children will be rendered a qualification for obtaining a ticket of leave; and in the cases of women under sentence for seven years, will frequently entitle them to that indulgence while residing in the factory in consequence of their confinement."

By his Excellency's command,

Alexander M'Leay.

(A.)

FORM OF APPLICATION.

Statement of the Service of *A. B.* by Ship C.

APPLICANT for a Ticket of Leave for the district of D.

Applicant's standing, No.
Date of arrival - - - - -
Place of conviction - - -
Time - - - - - - - - -
Original sentence - - - - -
Trade or calling - - - - -

Services, viz.

Opposite must be stated the several services in which the applicant has been employed from the date of his arrival.

1st. With *E. F.* from to
2d. With *G. H.* from to
3d. With *I. K.* from to
4th. With *L. M.* from to
5th. With *N. O.* from to

The claims for particular services must be supported by the certificate of the magistrate before whom the delinquent was convicted.

Additional Claims for particular services performed; viz.

Certificate as to period of service from the person under whom now employed, and of any other previous master residing within the district. A similar certificate will be required from each master with whom the prisoner has served.

I certify, That Ship has been in my service from to and that his conduct during that period has been

To the Bench of Magistrates
at

(B.)

FORM OF PASS.

PERMIT *A. B.* per ship C. holding a ticket of leave, No. for the District of D. [*or*, a ticket of exemption, *or*, my assigned servant, *as the case may be*] whose description and personal signature are on the other side, to pass from hence to E. for the purpose of [*insert his errand*] there, and to return direct to this place. This Pass to be in force for [*insert the number in words at length*] days, and no longer.

Given at this [*insert the date in words at length*] day of 1831.

F. G.
[*Signature of Magistrate.*]

To all whom it may concern.

Description endorsed.

Name - - - - - - - -
Ship - - - - - - - -
Year of arrival - - - - -
Native place - - - - - -
Trade or calling - - - - -
Age - - - - - - - - -
Height - - - - - - - -
Complexion - - - - - -
Hair - - - - - - - -
Eyes - - - - - - - -
General remarks - - - - -

A. B.
[*Signature of Bearer.*]

CORRESPONDENCE between the SECRETARIES OF STATE for the HOME and COLONIAL DEPARTMENTS.

No. 13,

Copy of a LETTER from *S. M. Phillipps*, Esq. to *R. W. Hay*, Esq.

Sir, Whitehall, 20 May 1833.

WITH reference to the conversation which Lord Melbourne lately had with Mr. Secretary Stanley on the subject of transportation, I am to acquaint you, that the measure then proposed by Lord Melbourne, and approved by Mr. Stanley, of sending abroad convicts to a greater extent than heretofore, is proceeding to be carried into full effect.

Since the commencement of the present year about 2,000 male convicts have been transported. In the course of the year the whole number of transports will probably amount to 4,800 or 5,000; and the average annual increase of convicts to be transported to the Australian Colonies, beyond the amount of transportation in the last year (which was 3,877,) may be expected to be not less than 1,000.

Lord Melbourne last year thought it advisable to make an order that all convicts sentenced to be transported in the counties of Middlesex and Surrey, should for the future be sent abroad, according to their sentences; a measure which he hopes will, in a few years, have the effect of removing from the Metropolis the more practised offenders, and diminish also in some degree the increase of crime.

The general plan of a more extensive transportation of convicts, Lord Melbourne has been induced to recommend, chiefly from the following considerations:—The inconveniences experienced by the labouring classes from the loss of employment occasioned by the use of the convicts at the Hulks; the evils resulting to the community from the return of prisoners after their discharge from the Hulks; the saving of expense by the reduction of the Hulk establishment; and the advantages

which may be expected from the use of transportation, as the principal Secondary Punishment, if by any means it can be rendered effective.

Upon the last point, namely, the giving all practicable effect to the punishment of transportation, Lord Melbourne requests the particular attention of Mr. Stanley; being persuaded that much evil has arisen from a very general opinion which has prevailed, that transportation is rather a boon and a benefit to convicts, than a state of suffering or punishment.

Lord Melbourne begs Mr. Stanley to consider how this desirable object can be best attained; whether, as suggested by Mr. Stanley at the late Conference, by compulsory labour under the direction of the Colonial Government, previously to the assignment, or by sending the most noted offenders at once to the more penal settlements; or what other means may be adopted with the best prospect of success.

If Mr. Stanley thinks it expedient that a certain number of convicts should be sent at once from this country to the more penal settlements abroad (Macquarie Harbour and Norfolk Island), Lord Melbourne will be able to supply a list from time to time of the most notorious offenders, who may be best fitted for such treatment. A similar course was adopted in the year 1826, and continued for some time, when the increase of the number in those penal settlements was considered to be inconvenient. Should this plan be now again resorted to, it would be desirable that the Secretary of State should be informed as to the number that can be disposed of in the course of the year.

I am, &c.

(signed) *S. M. Phillipps.*

No. 14.

Copy of a LETTER from *R. W. Hay*, Esq. to *S. M. Phillipps*, Esq.

Sir, Downing-street, 25th June 1833.

I HAVE received and laid before Mr. Secretary Stanley your Letter of the 20th ult. in which, with reference to a previous meeting which had taken place between Viscount Melbourne and himself, on certain points connected with the transportation of offenders to the Australian Colonies, you state that the measure then proposed by Lord Melbourne and approved by Mr. Stanley, of sending abroad convicts to a greater extent than heretofore, is proceeding to be carried into full effect.

Mr. Stanley desires me to acquaint you, for the information of Lord Melbourne, that he concurs with his Lordship in the propriety, for the reasons stated in your letter, of sending out of this country as many as possible of the prisoners sentenced to transportation whom it has been usual to send to the Hulks, and to employ on the public works, to the great detriment of the labouring classes; but with a view of rendering the change of system as beneficial to the community, as it is hoped the results will prove, Mr. Stanley admits the necessity of adopting corresponding measures for insuring in the Colonies, to which the prisoners may be sent, such a rigorous system of discipline that their removal from this country may be really dreaded, and not, as has been supposed to be the case formerly, sought for by them as a means by which their condition and prospects would be improved. In making this observation, however, Mr. Stanley is happy to think that the opinion entertained formerly upon that subject is no longer applicable to the present condition of convicts, and that very little now remains to be accomplished in that particular, from the zealous co-operation of the Colonial Authorities in furtherance of the measures adopted by His Majesty's Government for a better classification of the prisoners, with reference to the different degrees of punishment which their crimes or misconduct called for, added to the restrictions which have been imposed on the authority exercised by the respective Governors in granting to them conditional pardons and other indulgences.

With the Despatch from Colonel Arthur, the Lieutenant-Governor of Van Diemen's Land, which I transmitted to you on the 19th February last, will be found a most satisfactory Report from two gentlemen who had gone out to that Colony expressly for the purpose of inquiring into the condition of the convict population, and who, it will be observed, had expressed great surprise (having been

18 February 1832.
Vide No. 1.
12 Dec. 1832.

been impressed in common with most persons in England with a contrary belief), on discovering that transportation was really a punishment in that Island; and in two further Despatches, which have been received from the same officer (extracts of which are herewith inclosed), Lord Melbourne will perceive that Colonel Arthur enters very fully into the disadvantages of allowing convict mechanics to be engaged in the service of persons undertaking the construction of public works by contract (a measure, the adoption of which for purposes of economy had been strongly recommended by the Lords Commissioners of the Treasury and by Commissioners of Colonial Inquiry), and states the objections entertained by him to that course in the construction of the public buildings, &c. as much from its interfering with the convict discipline as from its not being attended with the saving to the public which was contemplated by the Home Government.

With reference to the concluding part of your Letter, in which, with the view of giving all practicable effect to the punishment of transportation, you intimate Lord Melbourne's wish that Mr. Stanley would consider how this desirable object can be best attained; whether, as suggested by him at the late Conference, by compulsory labour under the direction of the Colonial Government previously to assignment, or by sending the most notorious offenders at once to the more penal settlements, or what other means may be adopted with the best prospect of success; I am directed by Mr. Stanley to acquaint you that, according to the view which he is disposed to take of the subject, he would recommend that prisoners, upon their conviction in this country of offences subjecting them to the penalty of transportation, should be sentenced at once to different degrees of severity on their arrival at the Colony to which they may be sent, according to the magnitude of their crimes and the notoriety of their previous course of life; for instance, Mr. Stanley would propose that criminals of the most hardened character should, in addition to their usual sentence of transportation beyond the seas, be subjected, by the order of the Judge, to confinement at Norfolk Island or Macquarie Harbour, according to the discretion of His Majesty; and that in the case of those whose crimes have been less enormous, and of whose repentance and reformation greater hopes may be entertained, severe labour on the roads in the chain-gangs, should be imposed. Prisoners who may not be sentenced by the Judge to either of these punishments coupled with transportation, comprising, of course, the minor class of offenders, may, in the opinion of Mr. Stanley, be sentenced as before, without any other restriction as to their subsequent disposal than it has been usual to impose; the Governor being thus at liberty to distribute them throughout the Colony as assigned servants, according to the system which has hitherto prevailed. In recommending that those convicts whom it may be found desirable to subject to greater severity and restraint, should be apprised, when sentence is first passed upon them in this country, of the actual treatment which they will have to undergo in the Colony, instead of placing their fate as at present in the hands of the Governor, to be disposed of in such manner as he may think fit, without reference to the crimes for which they may have been tried, Mr. Stanley acts from the conviction that no course would be so effectual for removing the very erroneous impression which is now entertained, that transportation is rather a boon and a benefit to convicts, than a state of suffering and punishment.

As the effect, however, of such a change of system in the disposal of a large number of the prisoners who will be hereafter transported to the Australian Colonies may occasion much inconvenience to the local authorities, unless the arrangements connected with the ultimate conveyance of the one class to the penal settlements before mentioned, and with the disposal of the other class amongst the respective road-gangs, are left to the Governor, Mr. Stanley would not recommend that any steps should be taken for sending any prisoners *at once* to those settlements, but that they should be all landed in the first instance at the ports of the two Colonies to which it has been usual to send them, and be afterwards removed to their final destination at the convenience of the local authorities. To the above reasons which induce Mr. Stanley to prefer this course, may be added the following;—that the prisoners who may be sentenced to Norfolk Island or Macquarie Harbour, by being first landed at Port Jackson or Hobart Town, will have the opportunity of drawing a comparison between their own fate and that of many of their companions in crime, upon whom a lesser degree of punishment has been inflicted, and a stronger inducement to good conduct exist on their part to

obtain a mitigation of their own situation than might otherwise be expected to occur.

Mr. Stanley also desires me to observe, that as the capacity of those penal settlements for the reception of convicts is very limited, no great addition can be made to the number which is at present confined there, without some augmentation of the military force by which they are guarded, as well as increase of expense; and it will therefore be expedient, in the first instance, that none but the worst description of criminals should be sentenced to that species of extra punishment; but those whom it may be deemed right to sentence to hard labour on the roads in the chain-gangs need not be so limited, from the greater facilities which the local Government enjoys for providing means for their disposal.

I am directed by Mr. Stanley further to suggest the expediency of the Governors of the respective Colonies of New South Wales and Van Diemen's Land being invested with the same power, under certain restrictions, of mitigating the sentences of the particular classes of offenders to whom I am now adverting, as their commissions now give them over the convicts generally.

These restrictions Mr. Stanley would propose to be as follows; viz.

First, That no prisoner who may have been sentenced in this country to transportation for life and to confinement in Norfolk Island or Macquarie Harbour, as the case may be, or to any other penal settlement to which the respective Governors may think it proper to send the convict, should be withdrawn from thence until he shall have undergone at least seven years of his sentence; that he should then, if the Governor should deem him deserving of such mitigation, be transferred to the chain-gangs (performing the same labour as the other convicts attached to those gangs) where a further probationary period of five years will be required of him, before his condition be further ameliorated by his assignment to a settler.

Secondly, That no prisoner who may have been sentenced in the first instance to transportation for life and to the chain-gangs, should be eligible for any indulgence until he shall have laboured in those gangs for seven years, the period which is prescribed in the case of the convict who may be sentenced to Norfolk Island or Macquarie Harbour.

And generally, that in the possible case of transportation in the first or second degree, for fourteen or seven years, the Governor should not have the power of mitigating the sentence by removal to the next class until one-third of the period should have expired.

I am, &c.

(signed) *R. W. Hay.*

EXTRACT of a LETTER from Lieut.-Governor *Arthur* to *R. W. Hay*, Esq.

Van Diemen's Land, Government House,
12 December 1832.

Already is it complained of at home that transportation is no punishment. This remark, I am well assured, is most incorrect; but certainly if any one measure be calculated to undermine convict discipline more than another, it is suffering convict mechanics to be employed by contractors, to any great extent, especially in the towns.

The buildings essential to a Convict Colony being far more advanced in New South Wales than in Van Diemen's Land, I had imagined that the contract system would have answered much better in that Colony; but even there I find the evil consequences are felt which I complain of here.

With great deference I submit, that if the convict discipline be relaxed with the view of executing buildings more cheaply, first, that the expectation will be disappointed; and, secondly, indirectly the expenses will be largely augmented.

In 1829, the expense of this Colony, defrayed out of the Military Chest, did not exceed 100,000*l.*; in 1830, with an augmentation of 2,000 convicts, the expense was rather decreased; in 1831, with a further augmentation of 1,900 convicts, the expense, defrayed by the Home Government, was still decreased; and I would undertake to be responsible, upon the present system, that 10,000 more convicts might be maintained in the Colony at no material charge to the Home Government; and that if they be so sent *immediately after their conviction*, as I have suggested in the letter which I did myself the honour to address to you on the 25th July last, in which I fully entered into this interesting subject, most assuredly

assuredly transportation would be soon felt throughout Great Britain to be a severe punishment. The dregs of the population would be rapidly exuded; and the beauty of the system would be, that these very dregs would be refined by the measure; for if reformation be not the consequence of transportation, there must be a defect somewhere.

No. 15.

Copy of a LETTER from *S. M. Phillipps*, Esq. to *R. W. Hay*, Esq.

Sir, Whitehall, 22 July 1833.

I HAVE to acknowledge the receipt of your letter of the 25th ult. which I have laid before Viscount Melbourne; and I am directed to acquaint you, that his Lordship entirely approves of the plan recommended by Mr. Secretary Stanley, of subjecting convicts, on their arrival in the Australian Colonies, to labour of different degrees, varying according to the magnitude of their crimes, and the notoriety of their characters; upon which subject Lord Melbourne has made a communication to the Judges, a copy of which is herewith enclosed for Mr. Stanley's information.

With a view to enable Mr. Stanley to carry into effect the proposed measure in the Colonies, Lord Melbourne will take care that information as to the worst class of offenders, both with regard to the magnitude of their crimes, and the infamy of their characters, shall be regularly transmitted to the Colonial Department.

I am, &c.

(signed) *S. M. Phillipps.*

My Lord, Whitehall, July 1833.

I HAVE the honour to enclose for your perusal Extracts of a Correspondence between this Department and that of the Secretary of State for the Colonies, on the subject of the transportation of offenders to the Australian Colonies.

Transportation being at present the most general secondary Punishment, His Majesty's Government have thought it right to consider what measures can be adopted for the purpose of giving to that punishment the fullest force and effect.

The principle which the Government intends to adopt in the treatment of such offenders is, that the transports, on their arrival in the Colony, shall be subjected to different degrees of severity, according to the magnitude of their crimes, and the notoriety of their former course of life. Criminals of the most hardened character will be subjected to confinement in the most penal settlements; and those transports whose crimes have been less enormous, and of whose reformation some hope may be entertained, will be subjected to severe labour on the roads in chain-gangs. The minor class of offenders will be distributed by the Governor through the Colony as heretofore, as servants assigned to work for their masters, subject in all respects to the control and authority of the Governor.

It may perhaps appear to your Lordship not improper, that general publicity should be given to these new modifications of the punishment of transportation in your Lordship's charge to the Grand Jury; and also that it should be declared to each convict at the time of passing his sentence, that such a report will be made to this Department as will ensure the application of that degree of rigour, according to the above-mentioned scale, which may appear to your Lordship to be suited to the circumstances of the case.

I have, &c.

(signed) *Melbourne.*

(No. 1.)

EXTRACT of a LETTER from Mr. *Phillipps* to Mr. *Hay*.

20th May 1833.

With reference to the conversation which Lord Melbourne lately had with Mr. Stanley on the subject of transportation, I am directed to acquaint you that the measure then proposed by Lord Melbourne, and approved by Mr. Stanley, of sending abroad convicts to a greater extent than heretofore, is proceeding to be carried into full effect.

Lord Melbourne last year thought it advisable to make an order that all convicts sentenced to be transported in the counties of Middlesex and Surrey, should for the future be sent abroad according to their sentences; a measure which he hopes will in a few years have the effect of removing from the Metropolis the more practised offenders, and diminish also in some degree the increase of crime.

Lord Melbourne requests the particular attention of Mr. Stanley as to the best mode of giving all practicable effect to the punishment of transportation; being persuaded that much evil has arisen from a very general opinion which has prevailed, that transportation is rather a boon and a benefit to convicts than a state of suffering or punishment.

Lord Melbourne begs Mr. Stanley to consider how this object can be best attained; whether as suggested by Mr. Stanley at the late Conference, by compulsory labour, under the direction of the Colonial Government, previously to the assignment, or by sending the most noted offenders at once to the more penal settlements, or what other means may be adopted with the best prospect of success.

If Mr. Stanley thinks it expedient that a certain number of convicts should be sent at once from this country to the more penal settlements abroad (Macquarie Harbour and Norfolk Island), Lord Melbourne will be able to supply a list from time to time of the most notorious offenders, who may be the best fitted for such treatment.

(No. 2.)

EXTRACT of a LETTER from Mr. *Hay* to Mr. *Phillipps*.

25th June 1833.

Mr. Stanley directs me to acquaint you for the information of Lord Melbourne, that he concurs with his Lordship in the propriety of sending out of this country as many as possible of the prisoners sentenced to transportation, whom it has been usual to send to the Hulks.

With the view of rendering the change of system as beneficial to the community as it is hoped the results will prove, Mr. Stanley admits the necessity of adopting corresponding measures for ensuring in the Colonies to which the prisoners may be sent such a rigorous system of discipline that their removal from this country may be really dreaded, and not as has been supposed to be the case formerly, sought for by them as a means by which their condition and prospects would be improved. In making this observation, however, Mr. Stanley is happy to think that the opinion entertained formerly upon that subject is no longer applicable to the present condition of the convicts.

With reference to the concluding part of your letter, in which, with the view of giving all practicable effect to the punishment of transportation, you intimate Lord Melbourne's wish that Mr. Stanley would consider how this desirable object can be best attained; whether as suggested by him at the late Conference, by compulsory labour under the direction of the Colonial Government previously to assignment, or by sending the most notorious offenders at once to the more penal settlements, or what other means may be adopted with the best prospect of success; I am directed by Mr. Stanley to acquaint you, that according to the view which he is disposed to take of the subject, he would recommend that prisoners sentenced to transportation should be subjected at once to different degrees of severity on their arrival at the Colony to which they may be sent, according to the magnitude of their crimes and the notoriety of their previous course of life.

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For instance, Mr. Stanley would propose that criminals of the most hardened character should, in addition to their usual sentence of transportation beyond the seas, be subjected to confinement at Norfolk Island or Macquarie Harbour, according to the discretion of His Majesty; and that in the case of those whose crimes have been less enormous, and of whose repentance and reformation greater hopes may be entertained, severe labour on the roads in the chain-gangs should be imposed.

The minor class of offenders may, in the opinion of Mr. Stanley, be sentenced as before, without any other restriction as to their subsequent disposal than it has been usual to impose; the Governor being thus at liberty to distribute them throughout the Colony, as assigned servants, according to the system which has hitherto prevailed.

Mr. Stanley recommends that those convicts whom it may be found desirable to subject to greater severity and restraint, should be apprised when sentence is first passed upon them in this country of the actual treatment which they will have to undergo in the Colony; Mr. Stanley being convinced that no course would be so effectual for removing the very erroneous impressions which still exist, that transportation is rather a boon and a benefit to convicts than a state of suffering and punishment.

CORRESPONDENCE

ON THE SUBJECT OF

SECONDARY PUNISHMENT.

Ordered, by The House of Commons, *to be Printed,*
4 *March* 1834.

SECONDARY PUNISHMENT.

(AUSTRALIA.)

FURTHER RETURN to an Address of The Hon. the House of Commons, dated 3 March 1834;—*for*,

COPIES or EXTRACTS of any CORRESPONDENCE which may have taken place between the SECRETARY of STATE for the COLONIAL DEPARTMENT, and the GOVERNORS of the AUSTRALIAN PROVINCES on the subject of SECONDARY PUNISHMENT;——also, COPIES or EXTRACTS of any CORRESPONDENCE between the SECRETARIES of STATE for the HOME and COLONIAL DEPARTMENTS on the same subject.

Colonial Department, Downing-street, 14 August 1834.

JOHN LEFEVRE.

(In continuation of Parliamentary Paper, presented 4 *March* 1834, No. 82.)

EXTRACTS of a DESPATCH from Major-General *Bourke*, addressed to Mr. Secretary *Stanley*, dated Government House, Sydney, 15th January 1834.

I HAVE to acknowledge the receipt of your Despatch of the 21st August last, in which you announce the determination of His Majesty's Government to continue transportation to these colonies as a secondary punishment for offences committed in Great Britain, and to impose upon the transported offenders distinct measures of punishment according to the magnitude of their offences, and the notoriety of their previous course of life; separating them for this end into three classes, of which the first shall be subject to confinement in one of the penal settlements hitherto set apart for the reception of such felons and offenders transported from Great Britain to these colonies as here are sentenced to a second transportation by a Colonial Court; the second to severe labour in the chain gangs of the colony; while the third only shall be eligible for assignment to settlers, the two first being excluded from every mitigation of punishment, even that of being transferred to another class of convicts, until the expiration of certain specified terms of probation.

In reply, I may venture to assure you that the colonists in general will feel great satisfaction at the declared intention of His Majesty's Government to continue the transportation of offenders from Great Britain to these colonies; the great and immediate advantage which they derive from the labour of the criminals outweighing, in their opinion, the mischief which persons of such polluted characters and habits cannot fail to inflict upon society. Regarding, however, the advancement and prosperity of this colony as now placed on foundations which cannot be shaken, I am strongly impressed with the belief that the manners and morals of this people would be much improved, and ultimately their wealth and happiness would be much augmented by a gradual relinquishment of the services of convicts; yet I am aware that this sentiment is not generally prevalent among the settlers, and I shall therefore abstain from troubling you with any detailed explanation of the reasons upon which my opinion is founded. With regard to the changes in the system of transportation hitherto adopted for these colonies, announced in your Despatch, I beg leave to express my opinion of the advantages to be derived from a classification in Great Britain of the convicts transported hither. You are probably aware of my intention, expressed in my Despatch dated 3d November 1832, to render available to the public works of the colony as much of the convict labour as could with propriety be so applied. The arrangement of

His Majesty's Government, by which the second class of offenders is directed to labour in irons upon the public roads, will be in furtherance of my views upon this subject. The only part of the arrangement upon which I feel any doubt is the length of time which transports of this class are condemned to labour in irons before they can be permitted any indulgence. If seven years be passed in irons before the convict for life is removed to the assignment class, I apprehend it is proposed that eight years more should elapse under the terms of the Act of Parliament (4 Will. IV. c. 62.) before he is admitted to hold a ticket of leave; thus giving him 15 years of slavery before the very best conduct will obtain for him any permanent indulgence. To a person in the decline or middle age of life, this will appear to be a sentence of perpetual severity, and be more likely to impede than promote reformation. . . . . .

It may be convenient that I should here give some detailed account of the road parties, lest their condition should not be understood by His Majesty's Government, and as they have proved a source of much trouble and annoyance to this.

These parties vary in numbers from 1,200 to 1,500, and consist mostly of those who have been returned to Government by their masters as being unfit for private service, or who, having been convicted for some offence and sentenced to punishment, are sent, upon its expiration, to labour on the roads, where it is usual to keep them for six months or more, before they are considered again assignable to private service. The mere fact of their being returned on the hands of Government, in a community where the demand for labour is very urgent and clamorous, and where there is constantly a very large arrear of applications awaiting the arrival of the convict ships by which they are to be satisfied, affords of itself a very strong presumption that the character of the men thus situated must be notoriously idle and worthless. You are already informed that the materials of which the population of this colony is composed do not furnish the means of engaging at any reasonable salaries such overseers as possess either the talent or honesty necessary for the proper control of such men, or for the exaction of an adequate amount of labour from them. The consequence has been that these road parties are proverbially inefficient; besides which, they are found to be an annoyance to the neighbourhood in which they are placed, by the incessant commission of petty thefts, and not unfrequently of burglaries and robberies. . . . . .

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On these accounts this Government have long entertained a fixed determination, which was formerly communicated to the Legislative Council at their last Session, to break up these parties altogether, provided contracts could be obtained for repairing those public roads upon which they were employed. The attempt to obtain such contracts has been made since the last Session of the Council, and attended with but very little success. One only has been obtained, and that at a very high rate, notwithstanding that a bonus of an assignment of three convicts per mile has been given to the contractors. I should therefore be glad to be enabled to effect the repair of the old roads, as well as the construction of new, by means of the ironed gangs only. By the operation of a law passed since my arrival, the number of convicts sentenced to work in irons on the roads has been considerably augmented, by substituting this punishment for transportation for short periods to Norfolk Island or Moreton Bay. The arrangement of His Majesty's Government coming in aid of this measure, it is possible that at no very distant period, the number of men at labour in irons within the Colony may be sufficient for the execution of all that work which is now given to the ordinary road parties working without irons. In seeking to obtain contracts for the repair of the roads, and in assigning convicts to the contractor in proportion to the extent of the contract, it was hoped, that the greater number of those convicts who are now under that imperfect management which I have described, might pass into the service of masters, whose personal interests would prompt them to exert the necessary control. The comparative failure of the experiment which has been tried, forbids my feeling sanguine as to its ultimate success. It is not unlikely, however, that the great and increasing demand for labour, will enable the Government to dispose by assignment in the ordinary way, of such of these delinquents as may not be altogether unfit for private service; whilst with regard to those wholly worthless and incorrigible, who would still remain on the hands of Government, I should consider it a great advantage to the public service, to place them in irons. There might at the same time be made some distinction between these persons, and those who labour in irons under a colonial sentence for an express crime, or under the sentence of the British Court, in the description of their irons, a superiority

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in the ration, or by the privilege of assignment to service, whenever their improved conduct shall appear to deserve it. . . . . .

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I may be permitted in this place to notice a conversation which is reported to have taken place lately in the House of Commons, in which it was asserted that a classification of the convicts immediately upon their arrival had been successfully attempted in one or other of these colonies, by putting to labour in irons those convicts whose character and conduct appeared to merit punishment of a severer kind. I need not observe that such classification has not been attempted here . . . . . .

But the classification which it is not possible for this Government to attempt, the process of the colonial law is commonly found to effect. It is by no means unusual to find that of convicts arrived in the same ship, some are at a short time after their arrival in the enjoyment of comparative ease, as assigned servants to settlers; others at work in irons on the roads, and others in the Penal Settlement of Norfolk Island.

The desirable object of classification may, however, be advantageously effected in England upon the trial of the criminal before an acute and intelligent Judge, more especially when he has such object in view. To assist his judgment in deciding to which of the proposed classes the transported offender should be consigned, it is obviously necessary that he should be well acquainted with the actual condition of each. It may not, therefore, be inexpedient that I should endeavour to furnish this explanation through the medium of His Majesty's Government; and I am the more induced to make the attempt, as it does not appear to me, from a perusal of the evidence taken before Committees of the House of Commons, and from other documents relating to Secondary Punishment, that adequate information has been furnished as to its real character and effect in these colonies. I would, therefore, even at the hazard of being thought prolix, lay before you a description of the condition of the convicts in each of the three classes into which it is the intention of His Majesty's Government that they should hereafter be distributed.

The convicts of the first class, in the order adopted by His Majesty's Government, namely, those stationed at Norfolk Island, are placed under regulations framed by my predecessor, in the year 1829. These are still in force; and lest a copy should not have been transmitted to the Secretary of State at the time of their publication, I have now the honour to forward it. Some misapprehension has existed, I am disposed to think, with regard to the degree of severity exercised towards the prisoners at this island, on account of the notoriety which has been given to a desperate expedient adopted by some of its inmates who have committed capital offences, with the sole view of being removed to Sydney for trial; staking the chance of execution against that of escape during the passage or legal proceedings. There are, however, various grades of punishment in Norfolk Island, as you will perceive by the regulations; and the convict who shall be sentenced in England to confinement in Norfolk Island, will, upon his arrival there, be considered in the same light by the Commandant as an offender transported from hence, and subjected in every respect to the treatment prescribed by these regulations. It is proper, therefore, to call your attention to them, and I will briefly point out the most important.

Vide Sessional Paper No. 335, March 1832.

The milder species of punishment under which a few of the best conducted are there placed is hardly distinguishable from the ordinary servitude of New South Wales. None are compelled to wear irons but those who are considered by the Commandant to be turbulent and dangerous characters, and for whose safe keeping the use of irons is necessary, unless by virtue of a special order of the Government, when sentence of death passed in the colony is commuted to transportation to Norfolk Island. The rule upon which the Governor and Executive Council usually act in such cases is to impose irons on the criminals whose offences have been accompanied with violence. The generality of offenders are placed, on arrival, in what, in the regulations of the settlement, is termed the second class. They are obliged to labour from sunrise to sunset, with one hour for breakfast and one for dinner, (another hour being added for the latter in summer), and the task imposed upon them is that of erecting the public works, or labouring in the field with the hoe or spade, no other implement being allowed in the fields of the settlement.

After a certain term of probation, differing according to the length of sentence, consisting, if the prisoner is sentenced for seven years - - of two years;
for fourteen years - of four years;
for life - - - - - of six years,
the prisoner, if he has behaved well during such term, becomes eligible for the first class, and may be employed in less laborious occupations, as constable, overseer, or stockman, or as an assigned servant to the officers of the Settlement. To this class a small quantity of tobacco, altogether denied to the others, is issued in the daily ration, and their wives may be permitted to join them in the Island; an indulgence, however, which has been very rarely granted.

In addition to these indulgences, by regulations passed during the administration of the Government by Colonel Lindsay, persons whose sentences to death by a Colonial Court have been commuted to transportation to Norfolk Island for life, are eligible after ten years good conduct, and upon special recommendation of the Commandant for a further commutation of sentence for seven or fourteen years, commencing from the date of the latter commutation. Transports to Norfolk Island for life, not capital respites, are eligible to the same advantage after six years good conduct. Those originally transported for fourteen or seven years, including those of the classes just described whose sentences may have been commuted for those periods, may obtain an entire remission of their sentence to Norfolk Island by uninterrupted good conduct for four and two years respectively.

The Commandant is empowered to grant to any convict, whose conduct appears deserving, a small piece of land as a garden, in which he may raise any vegetables (tobacco excepted) for his own use, but all attention bestowed on these gardens must be additional to the appointed daily labour. This privilege had been withheld before my arrival, being regarded as too much of an indulgence for persons in such situations, but I thought it right to restore it, considering that if a voluntary occupation of this humanizing description, in addition to a hard day's labour, really did prove an indulgence, it was a kind of gratification intimately connected with an improving disposition, and which ought to be encouraged to the uttermost.

The next class of convicts to whose condition I have to advert, is that of persons labouring in irons on the roads of the colony under colonial sentence, to which are now to be added those who are to be consigned to this punishment on arrival in the colony under the direction of His Majesty's Government. Upon the passing of the Summary Jurisdiction Act now in force, which directs that prisoners sentenced to labour in irons should be under the custody of superintendents acting under regulations instituted by the Governor with the advice of the Executive Council, new regulations were issued for the discipline and management of those gangs. To bring this subject more fully under your notice, I beg leave to refer to my Despatch of the 3d November 1832, written shortly after the introduction of those arrangements, of which the following is an extract:—"It has been necessary to place ironed gangs under a stricter control than they have hitherto experienced. It was a general and well founded complaint that little labour was performed by these convicts, and that the frequent escapes from the gangs filled the roads with robbers. This imperfect management I attributed in a great degree to the gangs having been placed under overseers of the convict class appointed by the surveyors of roads; I have thought it right to remodel the gangs entirely, and to place the whole under the charge of the principal superintendent of convicts; under him are superintendents and constables at each of the stockades, who have the legal custody of the prisoners, and discharge in conformity with a code of regulations, duties similar to those of gaolers and turnkeys in permanent prisons. To aid these persons in providing for the safe custody of the convicts a military guard is stationed at each stockade. The direction of the work to be performed by the convicts remains as before with the assistant surveyor, who is moreover empowered by the late Act of Council, 3 Will. IV. No. 3, to punish by whipping not exceeding 50 lashes, any disobedience, neglect of work or other misconduct of the convicts." I have much satisfaction in being able to state that the arrangements here referred to have been attended with considerable success. There are now about 800 convicts working in irons in Sydney and various parts of the colony under sentences of different duration varying from six months to three years. Those in Sydney are kept at work during the day and confined on board a hulk at night. Those in the country are placed in enclosures called stockades, or in moveable houses which have lately been constructed for the purpose of placing small parties at work on such parts of the roads as require a few hands for a short time to effect their formation or repair. All these parties are superintended

superintended by a civil officer acting in the capacity of gaoler, and have a military guard to prevent resistance or escape. They are for the most part kept hard at work, and upon their return from labour, being immediately confined in their wooden prisons, they have no time for recreation or opportunity for mischief, and their lot is felt by themselves as one of great privation and unhappiness, and has become, as I have reason to believe, formidable to others. Copies of the regulations and instructions to superintendents are herewith transmitted. A.

The next class whose condition under remark is that of assigned servants, who form the great body of convicts within the colony. A very general impression has been created in England that the condition of these persons is one of comfort and enjoyment, and certain well authenticated instances have been from time to time produced in support of such an opinion. B.

It may, however, be remarked, that these instances, even when well authenticated and numerous, cannot be relied on as giving a fair view of the case. It is one of the most apparent and necessary results of the system of assignment to render the condition of convicts so placed extremely unequal, depending as it must upon a variety of circumstances over which the Government cannot possibly exercise any control. It would be quite impracticable to lay down any regulations sufficient to remedy this inequality. The temper, character and station in society of the master; the occupation in which it might be found convenient to employ the servant; and the degree of connexion or variance that might happen to subsist between this and his previous habits, have an immeasurable influence over his condition, both physical and mental, which no regulations whatever can anticipate or control. It is the inevitable consequence of this variety in the condition of prisoners during servitude, that the most opposite statements can be made in perfect good faith, by persons who happen to have been strongly impressed by any particular instances that have come under their own observation, and can be illustrated in each case by facts equally undeniable. This being the case, the safest way of forming an opinion upon the general condition of the convict will be, disregarding all reports of individual cases, to examine the general Regulations which are in force with respect to them, and the powers which are possessed by their masters of procuring their punishment in case of their insubordination or disobedience. If these powers are considerable, and such as might, unless in reference to a condition of legal punishment for offences, be termed arbitrary, a slight acquaintance with human nature will enable us to draw, with tolerable correctness, fair conclusions as to the general condition of persons so circumstanced. I shall also refer to a few facts and returns which will in a manner apply the test of experience to this general reasoning, by shewing in what way the power of control and punishment which I am about to explain are actually exercised. Although the condition of the convict is that of a slave, it has not been thought desirable to give to the master a power of personally inflicting punishment. A most extensive summary jurisdiction over prisoners is, however, given to magistrates, who, with the exception of those who are stipendiary, are always themselves settlers, directly interested in maintaining the strictest subordination, and in exacting the most laborious exertion which the law permits on the part of assigned servants.

The Act of Council, 3 Will. IV. No. 3, regulating the present exercise of the summary jurisdiction in New South Wales, was passed soon after I entered upon the government of this Colony. Although a copy of this Act was transmitted at the time for the allowance of His Majesty in the usual manner, a short abstract of some of its provisions may not be out of place here.

By section 16, any two or more justices of the peace form a petty sessions, with power to take cognizance in a summary way of all offences committed by convicts, which fall under the two following classes:—1. All misdemeanors, pilferings from a master or mistress, and simple larcenies to the value of any sum under 5*l.*—2. Drunkenness, disobedience of orders, neglect of work, absconding from the employment of Government, or his or her master, abusive language to his or her master or overseer, or other disorderly or dishonest conduct. Under this last expression, "other disorderly or dishonest conduct," a most comprehensive authority is bestowed, which would certainly be out of place in any but a *Slave Code*, and a most serious trust is here undoubtedly placed in the magistrate.

The offences of the first class, which would amount to misdemeanors in free persons under ordinary English law, are punishable, in a male, by any number of lashes not exceeding fifty, or by labour in irons on the roads or public works, for

not less than six, nor more than twelve calendar months: in a female, by imprisonment for a like time with labour. Offences of the second class (which affect chiefly the relation in which convicts stand to their masters, and the greater number of which could not be interpreted into legal offences in a free person), may be punished, in a male, by the same number of lashes, or by the treadmill, or imprisonment with hard labour, for any time not exceeding two months, or by solitary confinement on bread and water for any time not exceeding fourteen days: in a female by imprisonment with labour, or solitary confinement on bread and water for the like times respectively. Punishments for second offences may be doubled, and a second absconding is visited with a year's labour in irons. One justice of the peace may exercise all the powers of a petty sessions, with regard to offences of the second class, except only that of doubling the punishment for a repeated offence. A summary jurisdiction over convicts (*i. e.* without the intervention of a jury, or of any technical forms of procedure,) is also vested in the Court of Quarter Sessions, in every case not capital, and with the power of sentencing the offender to the same punishment that the law of England awards to the offence. Where this punishment is transportation, whether for seven or fourteen years, or for life, the place of transportation is Norfolk Island. In minor cases in which the offence if committed in England, would subject the offender upon conviction, either a first or second time, to no higher degree of punishment than imprisonment with hard labour, the Court of Quarter Sessions is empowered to sentence the offender either to the punishment awarded by the law of England, or to transportation to a Penal Settlement; or in case of a male, to labour in irons for two years.

S. 18. 19.

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S. 15.

Regarding the measure of severity, with which this summary power is exercised over the convict population, I have the means of forwarding to you some returns which have been made to this Government, in consequence of an inquiry I have lately instituted, and concerning which it may be desirable to afford some explanation. The Act, of which I have above given an outline, brought the powers of magistrates, particularly single magistrates, within rather more defined limits than the former Acts. . . . . It substituted fifty lashes for the first offence, cognizable in a summary way, in lieu of 150, which might have been before given by three separate inflictions: rendering likewise the powers of a single magistrate somewhat less than those of a bench of two or more. An arrangement was also made concurrently with the passing of the Act, by which an instrument of corporal punishment of uniform construction, was directed to be used in every district, being supplied from the convict barracks in Sydney, according to regulated standard. Each bench had before superintended, or left to its inferior officers, the construction of its own scourges, which varied according to accident or caprice; nor could it ever be ascertained by the mere number of lashes ordered, what degree of pain the culprit was likely to have suffered.

Some few of the magistrates of the colony have shown themselves much aggrieved at their powers being thus ascertained and defined. Such a feeling, indeed, is not to be considered extraordinary, as it requires much judgment and moderation to overcome the instinctive love of power; and I cannot but admire the readiness with which the generality of the magistrates acquiesced in its diminution. The magistrates who felt the diminution of their power as a grievance, may perhaps have been excited to expressions of complaint by the annoyance to which, in their character of settlers, they are exposed from the misconduct of their assigned servants. They do not perhaps consider, that the natural dislike to compulsory labour which is part of human nature, and has existed, and ever will exist under every form or mode of government, must offer great difficulties to those who seek to carry on their business by such means. Severity carried beyond a certain point, especially towards men of violent and turbulent feelings, will only tend to inflame this indisposition to labour with more dangerous acts of desperation and revenge; and the history of this colony during periods in which greater severities were occasionally exercised, has fully borne out the truth of this observation. The easiest, because most thoughtless and most self-exculpatory, mode of gratifying the ill-humour of the moment whenever a settler is annoyed by the misconduct of his convict servants, is to charge the fault (not unfrequently occasioned by his own mismanagement) on the insufficiency of the law. It is to such feelings, fermented into something like party spirit, that I attribute the presentation to the legislative council at its last session, of two petitions from the magistrates and settlers at Hunter's River, praying for the restoration of the former

C. D.

powers

powers of the magistracy over the convict population. I thought it right to institute a formal inquiry into those circumstances connected with the discipline of the prison population which formed the subject of the petitions; and I herewith transmit for your information certain printed documents connected therewith, consisting of—

1st. A circular letter from the Colonial Secretary to the Police Magistrates of the Colony, desiring them to superintend personally for one month the corporal punishments inflicted within their several districts, and to report thereupon. D.

2d. The several reports of the police magistrates pursuant to such direction; and E.

3d. A circular letter from the Colonial Secretary to the Magistrates of the Colony, accompanying printed copies of these reports, and conveying my opinion that the allegations of the petitioners are thereby disproved. Should you have leisure to peruse the reports of the magistrates on this painful subject, I think it will show you that the condition of prisoners assigned to service in these colonies is not in the majority of instances one of such an easy and enviable nature as it has been frequently represented. Those persons in England, who have asserted a contrary opinion, have come to this conclusion from the evidence of settlers aggrieved, and perhaps exasperated by the misconduct of their servants; and therefore, hardly capable of forming the most impartial opinion (however honestly they may give utterance to it) upon the degree of severity which ought to be exercised towards those who have offended them. F.

It surely cannot be regarded as a distinction of trifling importance between these prisoners and the labouring class in England, to whose condition their's is sometimes represented as superior, that the former is often subjected to flogging and imprisonment for offences, which in the latter would be punished by reproof or discharge. The only feature in which the condition of the prisoner can be plausibly represented as sometimes superior to that of the most suffering class of the poor at home, is in the article of food and clothing; the Government requiring the master to provide the convict with a sufficiency of these for nourishment and health, though nothing but the vigilance of Government can secure the due fulfilment of these regulations.

The ration ordered by Government, consists weekly of,— G.

12 lbs. of wheat, or 9 lbs. of seconds flour, in lieu thereof, at the discretion of the master; 3 ½ lbs. of maize meal and 9 lbs. of wheat, or 7 lbs. of seconds flour; 7 lbs. of beef or mutton, or 4 ½ lbs. of salt pork; 2 oz. of salt; 2 oz. of soap. Any articles which the master may supply beyond these, are considered as indulgences, which he is at liberty to discontinue whenever he thinks proper.

The clothing consists annually of,—

2 Frocks or jackets.
3 Shirts.
2 Pair of trowsers.
3 Pair of shoes.
1 Hat or cap.

To be issued periodically on particular days. Each man is likewise to be supplied with one good blanket and a paillasse, or wool mattress, which is to be considered the property of the master. The great cheapness of tea and sugar of the common kinds in this colony, had led many masters to issue small rations of these, unless where milk is obtainable from the stock on the farm; and a little tobacco, the growth of the colony, is sometimes added. But none of these are required. Assigned servants are not in general, I am persuaded, better fed and clothed than is necessary to enable them to perform the work which is required of them; being in fact, merely supplied in such a manner as prudence would dictate to the master, if he took a sensible view of his own interest without any consideration for the personal comfort of the servant. If it be occasionally the hard lot of some of the poor at home to obtain even less than this, it is no doubt embarrassing with reference to the administration of the penal laws, as well as with reference to every other interest of society. It is indeed melancholy, if the labourer is ever reduced to a state of misery to which nothing can be added for the purpose of punishment, without affecting life or health. But it is plainly impossible to bring such a fact to bear practically on the measures to be pursued towards prisoners in this colony. It would be a kind of reasoning most monstrous and unnatural, to urge the withholding from a prisoner of a sufficiency for healthy nourishment in a land of abundance, because innocent persons are elsewhere labouring under want.

I have been tempted to this digression from the main object of this Despatch by the importunity with which the occasional superiority of the convict over the unemployed poor at home, in these respects, is adduced as an objection to the existing system of transportation. The manner in which some of the machine breakers who were lately sent to Van Diemen's Land have been stated by Colonel Arthur to have felt the degradation and banishment to which their punishment subjected them, sufficiently proves, that, with reference to those whose sensibilities have not been blunted by a repeated course of crime, there are circumstances in the condition of a convict which outweigh even those great deprivations which were endured by these poor people before they attempted this absurd mode of relieving themselves.

Having thus endeavoured to explain what appear to me to be the most important and distinguishing features in the condition of the different classes of convicts placed under the care of this Government, I will next proceed to observe the effect which the new arrangement proposed by His Majesty's Government in the distribution of newly arrived convicts will have *within* the colony.

With respect to Norfolk Island, I shall find it necessary to augment the military force there when I break up the penal establishment at Moreton Bay, which I intend to do, according to the recommendation of Lord Goderich, transferring the short-sentenced men from thence to labour in irons here, and the long-sentenced to Norfolk Island. The one measure will, however, furnish the means of effecting the other . . . . . .

. . . . . .

Norfolk Island, in which there are now about 700 convicts, I believe to be quite capable of containing any number that I can contemplate as likely to be sent from Great Britain or transported from this colony; but some additional expense will be required for buildings, which can be chiefly erected by the convicts themselves, and the outlay for which need not be considerable. Their labour may be made in some degree to contribute to their maintenance, though this would be more effectual, but from the frequent hurricanes and changes of temperature which destroy the crops. . . . . .

With regard to the second class, namely, convicts placed in the ironed gangs, it will be necessary to provide a prison for the enlarged number of those who will be employed in Sydney town and harbour: the most convenient will be a floating prison.

With regard to the effect of the new arrangement within the colony as respects the remaining class, namely, convicts assigned to settlers, there is not any thing that can call for particular remark. They are to be assigned as heretofore; but the general increase which is taking place in their numbers, and which, from the resolution of His Majesty's Government to continue the system of transportation, must now still continue, may require some new regulations for the distribution by assignment, which, when considered and matured, I shall have the honour to lay before you.

In conclusion, although it has not been my object, in describing the condition of the convicts in the several classes into which they are now divided, to enter into any consideration of the effect which a knowledge of the condition of these several classes may have on the conduct of the depraved part of the British population; yet you will not fail to observe, that with respect to the third class, the assigned servants, it is my belief that their condition is one of much greater privation and punishment than is generally supposed in England; whilst, with regard the first, I would say that the condition of the convict in Norfolk Island is considered to be one of very great severity. With respect to the condition of the second class, I believe it to be already looked upon with considerable dread by offenders in the colony; and if I shall be furnished with the means of perfecting the system, it may operate beneficially in the same way in Great Britain. I may be permitted at the same time to observe, that the latter motive should not be allowed too much weight, nor carried the length of sacrificing the probability of reforming the transported offender in the Australian Colonies to the hope of deterring the unprincipled inhabitants of Great Britain from the commission of crime. Undoubtedly, if punishment, appalling from its duration as well as its intensity, be heaped on the transport here, however beneficially the history of his sufferings may operate on the fears of the British criminal, it will induce a state of despair in the mind of the convict, which is found to be utterly at variance with reformation.

(A.)

IN conformity to the provisions of the 3d Will. IV., No. 3, the following Regulations for the custody and management of Convicts sentenced to work in Irons on the Roads or Public Works of the Colony, are promulgated by his Excellency the Governor, with the advice of the Executive Council :—

1. THE legal custody of convicts sentenced to work in irons is in the superintendent of each gang, appointed thereto by the Governor; and every such superintendent is bound by law to see that the convicts in his charge are fed, clothed and kept to labour, under the following regulations.

2. The ration of food which each convict is to receive for 24 hours is as follows :—

Wheat bread - - - - -	1 ¼ lb., or
Flour - - - - - -	1 lb.
Maize meal - - - - -	8 oz.
Beef - - - - - -	1 lb.
Salt - - - - - -	½ oz.
Sugar - - - - - -	1 oz.
Soap - - - - - -	¼ oz.

3. The clothing of each convict for one year is to be as follows :—

Two Parramatta frocks,
Two Parramatta trowsers,
Three striped shirts,
Three pairs of shoes,
One straw hat and cap.

4. Guard beds are to be constructed in the usual manner in each hut or barrack, and each convict is to be supplied with one blanket during the year, and for the winter months, that is to say from the 15th May to the 15th August, with an additional blanket or rug.

5. The superintendent will examine the clothing and bedding of the convicts as delivered, and if he shall observe that any article is not of a good quality, or according to regulation, he will make a report to the assistant surveyor on his next visit, and to the principal superintendent of convicts in Sydney by the earliest opportunity.

6. The superintendent will likewise inspect the huts and field hospital at least once in twenty-four hours, and take care they are kept in a clean and wholesome state, secure from rain and damp, and that the guard bed and hospital furniture are in good repair. When any repairs are required to be done to the buildings or furniture, he will inform the assistant surveyor.

7. The particular labour to which each convict is to be kept will be determined by the surveyor of roads, or his overseer, having the direction of the work upon which such convict is employed. The hours of work are limited as follows, and the superintendent is required to deliver over the convicts for work, and to receive them back at those hours :—In summer the hours of work shall be from six o'clock to eleven in the forenoon; and from one to six in the afternoon. In winter (that is from the 1st April to the 1st September), from seven in the morning to twelve at noon, and from one to sunset in the afternoon. On Saturdays the convicts will be allowed from two in the afternoon to wash their clothes.

8. The convicts are to breakfast before they leave the huts for morning labour, and to dine immediately after the morning labour ceases.

9. This distribution of time may be changed by direction of the surveyor general if local circumstances require it, provided that the convicts be not kept at actual labour for more than ten hours in the day, during any season of the year, including the time of going to and returning from work; and that the hours of work be relieved by allowing sufficient intervals for taking food and occasional rest when it shall seem necessary.

10. The superintendent is to receive the rations from the contractor, to inspect them carefully, and to report any deficiency he shall at any time observe in quantity or quality to the assistant surveyor of roads on his next visit, and to the principal superintendent of convicts by the earliest opportunity. He will be provided with scales, weights and measures, and with sieves for ascertaining the

quality of the flour. He is bound to pay the strictest attention to the conduct of the cooks and other persons having access to the food of the convicts, and to use every exertion to prevent any theft or fraud being practised to their prejudice.

11. If any convict shall be so unwell as to appear unfit for labour, the superintendent will remove him to the hospital hut, where he will receive such assistance as the place affords; his case is to be reported to the assistant surveyor at his next visit, who, if he thinks it necessary, will direct the convict's removal to the nearest colonial hospital.

12. The superintendent is not allowed to strike or ill use any convict under his charge. If any misbehaviour occurs, the superintendent will report the circumstances to a justice of the peace, or to the assistant surveyor, at the next ensuing visit of either, who are respectively empowered by law to hear any complaints, and upon conviction to punish the offenders. The safe custody of the convict is, however, entrusted to the superintendent, who will use every means to prevent escape or violence, and will frequently search the prisoners, and, if required, take from them any knives, files, saws or other instruments that it may be unsafe to leave with them; and will once at least in every twenty-four hours, carefully examine their irons, and secure or change such as seem likely to fail.

13. If the superintendent shall at any time apprehend any attempt at escape, he will give notice to the officer or non-commissioned officer commanding the guard, and obtain such military aid as shall be necessary.

14. When there shall not be any chaplain appointed to the gang, the superintendent, or other person specially appointed, is to read prayers on Sundays to the convicts at ten in the morning, and three in the afternoon. If any convict, not being of the church of England, requests permission to be absent, it may be granted to him; and measures are to be taken by the principal superintendent of convicts for procuring for them the performance of the service of their churches whenever it may be practicable.

By his Excellency's command.

10th Sept. 1832. (signed) *Alexander M'Leay.*

(B.)

INSTRUCTIONS for the Superintendents of Ironed Gang Stockades.

1. THE superintendent has the legal custody of the convicts committed to his charge, and with regard to their food, clothing and hours of labour will strictly observe the regulations promulgated in these respects by the Governor with the advice of the Executive Council.

2. The superintendent is further responsible to the Governor for the safe keeping of the convicts. Upon any escape being reported, the conduct of the superintendent will undergo the strictest scrutiny, and if there should be the smallest indication of negligence, inattention or other misconduct on the part of the superintendent, by which such escape was favoured, he will be immediately dismissed from his employment.

3. Escapes being most commonly effected by convicts first getting off their irons, the superintendent is personally to inspect and carefully to examine the irons on each prisoner before quitting the stockade in the morning, and on their return in the afternoon. He is either in person or by his assistant in his presence, to search the persons of the prisoners, and to take from them any instrument which might be used in getting off the irons. He is also carefully to examine the strength and form of all irons either in use or sent to him to be used, and he will reject all he shall find insufficient, reporting all such insufficient irons, and the cause of their insufficiency in his weekly return.

4. A constable is placed with each gang, whom the superintendent will employ as his assistant in the duties with which he is charged. One constable will also be allowed as the superintendent's immediate assistant in the internal duties of the stockade, who will likewise act as clerk to the superintendent.

5. If a convict has made an attempt to escape, or the superintendent perceives any disposition in any convict to attempt an escape, he will provide for his safe keeping

keeping by additional irons at night, or when at work, in such a way as may seem necessary.

6. The superintendent is to inspect the huts and stockade once each day at least, and if he finds any damage done to either, which renders the confinement less secure, he will forthwith repair it, or if this cannot be immediately done he will request (by requisition in writing to the officer of the guard) that an additional sentry may be placed at the insecure place until the repair is completed.

7. The superintendent will frequently muster the convicts on Sundays and during wet weather when they cannot work. He will also occasionally and at uncertain times muster them at night, and will make a note of the same in his journal.

8. The convicts will rise every morning during the summer months at five o'clock, and during the winter months at day-break when they will be regularly mustered by name. They will breakfast before proceeding to work. The superintendent will take care that the convicts keep themselves as clean as circumstances will permit, and that their hair is at all times closely cut, as the shortness of their hair will not only contribute to cleanliness, but to the discovery and apprehension of runaways.

9. Upon the convicts quitting the stockade to proceed to labour, the superintendent will count them over to the respective constables of gangs; or, in the unavoidable absence of one or more of them, to the non-commissioned officer of the military escort, who will give receipts for the number delivered over respectively. On their return, the superintendent will again count and muster them by name, and if all forthcoming, he will cancel the receipt; but if any one or more be absent, he will immediately report the circumstance to the officer commanding the guard, to the assistant surveyor on his next visit, and to the principal superintendent of convicts, by the earliest opportunity. He will also enter on his journal such a full record of the escape as shall enable him to give evidence of the fact at any time, however distant, at which the convict may be re-taken.

10. The superintendent will take care that the constables of the respective gangs remain with their men at labour, and by vigilance and activity aid the military in preventing escapes. The superintendent will also instruct the constables to report to him any negligence they may perceive on the part of the military, which report the superintendent will immediately convey to the officer commanding the guard. He will also enter it on his journal, and state it in his next weekly report.

11. The superintendent will occasionally visit the gangs while at work, that he may be enabled to judge of the zeal and attention of the constables, and general behaviour of the convicts, which visits are to be entered on his journal; but neither the superintendent or constables are to interfere in any manner with the direction of the work, which is confided to the assistant surveyors and their overseers alone.

12. The superintendent will never allow the convicts to be ontside the stockade, except when at labour under the charge of the constables and guard. They are to be locked into their huts at night, and upon no occasion whatever are they to leave the stockade without a proper escort. A tub of water and a drinking vessel, together with one or more tubs for urine, is, however, to be placed in each hut previous to the evening muster.

13. When any convict is in the hospital hut, the superintendent will apply to the officer commanding the guard to place a sentry at the door, should it appear necessary for the security of the prisoner, and the superintendent will take care that the medical practitioner appointed to the gang (being a prisoner of the Crown) is in constant attendance in the hospital hut, and if he find him negligent or disorderly, will not fail to set forth every instance of such misconduct in his weekly report, and bringing him before the magistrate if necessary.

14. Whenever convicts are ordered to a colonial hospital, or before a bench of magistrates, the superintendent will send a constable in charge of them, if not more than three in number. When they exceed that number, he will apply to the officer of the guard for an adequate escort, and will, in all cases, attach the handcuffs of the prisoners to a marching chain before they quit the stockade, and

for the safety of the handcuffs and chain, the constable or non-commissioned officer in charge will be held responsible.

15. The superintendent will receive into his charge such convicts as shall be forwarded to him by the sheriff, or by the warrant of any two or more justices of the peace, as directed by the 3d of William IV. No. 3. He will, immediately on receiving them, enter their names and descriptions in the registers with which he will be furnished, taking care that the columns of each book are kept regularly filled as required.

16. No gambling or trafficking in provisions or clothingis to be permitted on any account; and the superintendent will check and discountenance by every means in his power, all indecencies of manner and language among the convicts under his charge. He will also take care that no spirits or other liquors, or any other provisions than those provided by Government, are allowed to pass within the bounds of the stockade or buildings attached, cantonments of the military excepted, with which he has nothing whatever to do.

17. One wardsman to every seventy men in the stockade will be allowed, whose duty it will be to keep the huts of the different gangs, and the utensils and bedding used therein, as clean as possible; to supply them with water for drinking, and have the charge of and be accountable for the safety of the same. The wardsmen generally will also provide wood and water for the cooking and washing of all the convicts in the stockade, and be also aiding and assisting at all times in the custody and management of the prisoners under the direction of the superintendent.

18. One cook and one messman will be allowed to each stockade, who will be assisted by a delegate, chosen in rotation daily from among the prisoners in irons. No convict, however, serving in that office two consecutive days. The duty of the delegate will be to see that no pilfering or misappropriation of the provisions take place from the time they are issued from the stores, to their final distribution among the convicts. The delegate's duty for the day, ending with the dinner hour, he will proceed to work with his gang upon the conclusion of that meal.

19. One scourger will be allowed to each stockade, whose duty it will be to inflict all corporal punishments legally authorized and directed by competent authority. He will also perform the duties of constable or wardsman, during the unavoidable absence of any constable or wardsman; and be at all times aiding and assisting in the safe custody and control of convicts under the orders of the superintendent.

20. Cooks, wardsmen and scourgers, will not be appointed from the men under sentence to work in irons. They will be supplied from other sources. The scourger, who will occasionally act as constable, will be allowed a gratuity of 8*d.* per diem, in addition to the usual rations; and each cook, messman and wardsman, will for every nine months served in their respective stations in the stockade, be allowed to reckon twelve months in their probationary term for a ticket of leave, and receive two shirts and two pair of shoes per annum, in addition to the ordinary allowance of clothing. Any misconduct on their part will, however, be visited by immediate punishment, and a forfeiture of all previous claims, upon legal proof before, and under the award of any justice of the peace or assistant surveyor of roads, as appointed by law.

21. The superintendent's hut will, when practicable, be placed outside the stockade, immediately in front of the gate, and looking towards it. A small store will form part of this building. The constable's hut should look at the opposite face of the stockade.

22. All bedding, cooking utensils, and every article which may be denominated *barrack furniture*, will be in charge and custody of the superintendent, who will be held responsible that every reasonable and practicable precaution is taken to ensure their care and safety. The superintendent will also be supplied with a large steel-yard, and a set of weights and scales of moderate size, to enable him to receive and issue the rations correctly. *Proof sieves* will also be furnished to each stockade for the purpose of determining the *quality* of the meal supplied by the contractor;

contractor; and the superintendent will take especial care that no flour is received which will not pass freely throughout.

23. The superintendent is empowered and enjoined to reject all inferior and unsound provisions supplied by any contractor; and when any dispute arises respecting the quality of the provisions, he will call upon the officer commanding the guard, and the assistant surveyor, if present, for their opinion, and will note the transaction in his journal. In like manner, should the convicts object to any provisions received and issued by the superintendent, that officer will refer the question to the assistant surveyor and the officer of the guard, who will please to note their opinion in his journal, a copy of which will be transmitted in his weekly report.

24. The maize meal for the breakfast of the convicts will always be issued over night, that the cooks may have time to prepare it. It will take five hours to do this properly. The other provisions may be issued every morning, immediately after breakfast; always, however, in the presence of one of the constables, the cook and delegate.

25. No pigs, poultry, or stock of any description are to be kept by the superintendent, constables or overseers, at or near the station.

26. The afternoon, from three o'clock each Saturday, is to be appropriated by the convicts to washing their shirts and cleaning their persons, to which purpose the superintendent will see that the soap allowed by Government is strictly appropriated.

27. One knife and fork, one spoon, one panakin, and one mess-kid will be allowed to every six men, and it will be the duty of the superintendent to see that each article is handed over to him (particularly the knives and forks) each day after dinner, before the convicts quit the stockade.

28. The superintendent will muster every convict under his charge each Sunday, soon after breakfast; and after carefully examining their persons, will read prayers as directed by the regulations for ironed gangs, promulgated by his Excellency the Governor in Council. He will take care that due decorum is observed by the prisoners during this proceeding. He will also take care that such of the convicts as choose to employ their time in reading on the Sundays be not interrupted or annoyed in any way by their fellow prisoners.

29. The superintendent will keep a journal of his proceedings, in which he will enter the visits made by him to the gang while working on the roads; the behaviour and character of the several constables, overseers and guards; the musters on wet days and on Sundays; the duties on which the constables may have been away from the gangs; the visits of all magistrates, assistant surveyors, and other authorized persons to the stockade, and every other particular occurrence. This journal is to be presented by the superintendent to every justice of the peace who may come to the station, and to the assistant surveyor at every visit, who are requested to sign the book in proof of its having been presented to them, and to insert such observations therein as they shall think proper.

30. The superintendent will furnish the returns, and keep the registers, diary, &c. set forth in the annexed Schedule, and any other returns or reports called for by the Government or other authorized person or persons. He will also produce these instructions to any justice of the peace or other authorized person, if at any time called for.

31. Any neglect of these instructions will subject the superintendent to immediate dismissal.

SCHEDULE referred to in Section 30.

1. Register of all Convicts working in irons at Stockade.
2. Personal Description Book of ditto.
3. Record of Summary Trials and Punishments of ditto.
4. Muster Roll.
5. Weekly Return for principal Superintendent of Convicts.
6. Return of Summary Trials and Punishments, weekly, for ditto.
7. Return of Convicts absconded and apprehended.
8. Journal.

(Approved.)

(signed) *Rich^d Bourke.*

INDULGENCES.

Regulations of 1st December 1831.

For your information and guidance, I am directed by his Excellency the acting Governor to transmit the accompanying Memorandum, explanatory of such part of the 55th and following paragraphs of the General Regulations of the 12th August 1829, as relate to the indulgences to be allowed to convicts serving under the various periods of colonial sentence:—

Memorandum 1st December 1831.

The following rules are to be observed in extending the indulgences allowed by the General Regulations to convicts serving at Penal Settlements under colonial sentence; viz.

1. Capital Respites.

Not to be allowed any indulgence whatever until after 10 years' actual service at a Penal Settlement, and until a commutation of sentence has been sanctioned as specified in next paragraph.

After 10 years of uninterrupted good behaviour, to be eligible (upon the special recommendation of the Commandant, to be approved by the Governor) for a commutation of sentence to seven or 14 years, commencing on the date of such commutation.

To come thenceforward in every respect under the rules laid down below, for men under sentence of 14 and seven years respectively.

2.—Men for Life, not Capital Respites.

To be eligible for commutation of sentence as above, after six years' actual good behaviour, and then to come under the general rules for such commuted sentence, but not to be allowed any indulgence until the commutation has been sanctioned.

3.—Fourteen Years' Men.

To be eligible for the first class after four years' actual service at a Penal Settlement.

After eight years' service in the first class, to be eligible for the remission of the remainder of colonial sentence, as a reward for especial good behaviour.

4.—Seven Years' Men.

To be eligible for the first class after two years' service, and for remission of colonial sentence after four years' special good behaviour in the first class.

5.—Under Seven Years.

To be eligible for the first class after one year's actual good behaviour at a Penal Settlement.

Constables and Overseers.

To be selected from the first class only.

Two years as constable or overseer of a gang to be reckoned, in all cases, as three years of other service.

In the event of misbehaviour, claims to indulgence of any kind previously earned to be wholly forfeited.

INDULGENCES to the Port Macquarie Men, removed to *Norfolk Island* in July 1830.

Regulations, 1st December 1831.

His Excellency, the acting Governor, is pleased to extend the benefit of the indulgences allowed by the general regulations, to every man who has not since forfeited them by ill conduct, in the same manner as if these regulations had been in force at Port Macquarie at the time of his removal from that Settlement; (that is to say)

The sentences of those men who were not guilty of running away, or any other serious offence at Port Macquarrie, will be commuted to seven years; and of those

those who were so guilty, to fourteen years, commencing in the case of capital respites at the end of ten years; and of other men for life at the end of six years, from the dates of their colonial sentences respectively.

RATION REGULATIONS.

No. 1. Ration allowed to overseers, boatmen, servants and constables at Norfolk Island, viz.:—

Wheat bread	1¼ lb., or
—— flour	1 lb.
Maize meal	8 oz.
Beef	1 lb.
Salt	½ oz.
Sugar	1 oz.
Soap	½ oz.

Twelve ounces of the bread to be issued for dinner, and eight ounces in the evening with soup or a portion of the beef reserved from the allowance for dinner.

No. 4. Daily ration to women at Penal Settlements, whether prisoners or free women, the wives of prisoners:

Wheat bread	12 oz.
Maize meal	12 —
Beef	4 —
Vegetables	8 —
Salt	½ —
Soap	½ —

The maize meal to be divided between breakfast and supper.

No. 5. Daily ration to each male convict at Penal Settlements.

Maize meal	1½ lb.
Beef	1 —
Salt	½ oz.
Sugar	1 —
Soap	¼ —

Six ounces of wheat meal may be issued in lieu of eight ounces of maize meal when raised at the Settlement, beyond what is required for the civil and military establishment.

No. 7. Daily rations to children of female convicts, and to other children when authorized to be victualled.

Under Two Years of Age.

Wheat bread	6 oz.
Milk	½ pint.

Two Years and upwards.

Wheat bread	8 oz.
Maize meal	4 —
Beef	4 —
Milk	1 pint.

(C.)

PETITION of certain LANDHOLDERS and FREE INHABITANTS of the District of *Hunter's River*, praying the Repeal of certain parts of the Summary Punishment Act.

22 August 1833.

To His Excellency Major-General RICHARD BOURKE, Governor of New South Wales, &c. &c. &c., and the Honourable the Legislative Council.

The humble Petition of the undersigned Landholders and Free Inhabitants of the District of Hunter's River.

MOST RESPECTFULLY SHEWETH—

THAT your Petitioners having witnessed with much anxiety and regret the increase of crime and insubordination in these districts since the promulgation of your Act of the 3d WILLIAM IV., No. 3, can no longer refrain from petitioning your Excellency and your Honourable Council against its dangerous and injurious tendency. We beg respectfully to submit the reasons which induce us to consider this Act as highly detrimental to the interests of the Colonists, inefficient as

a code of secondary punishment, and as opposed to the reformation of the convicts.

The limitation of the power of the magistrates has had the most decisive effect upon the conduct of the prison population. Their characteristic depravity cannot be checked without a corresponding severity in the law, and rigour in its administration; it is only an effective system of coercion, tempered with kindness to the deserving, which can preserve them in a state of subordination, through which alone habits of industry and reformation can be formed.

Your Petitioners have found by experience that the extent of punishment which the magistrates are authorized to award, and the instrument by which a portion of such punishment is inflicted, is so inefficacious that the authority of the master is nominal, and the power of the magistrate derided. It has therefore become the practice of many of our settlers to refrain from taking their servants before the courts of petty sessions, in consequence of the bad effects which such slight punishments are found to produce.

Your Petitioners feel it their duty, in justice to themselves and the Colony at large, to advert to that part of the Act by which single magistrates are, in certain cases, prevented from exercising a summary jurisdiction upon our offending servants; thus increasing the difficulty which those who reside in the remote districts experience in their efforts to obtain justice, aggravating the hardships which the first settlers in remote parts of the Colony have to encounter, and which your Petitioners beg to urge upon your Excellency and your Honourable Council as reasons for making such an alteration in the law as will afford adequate protection to these defenceless individuals and their families.

Your Petitioners also beg to state to your Excellency and your Honourable Council, that the former Act was considered too lenient in the mother country, and was generally condemned as being insufficient to answer the ends of justice, as a secondary punishment, and the withdrawal of the convicts has been contemplated by many Members of the House of Commons. Your Petitioners are therefore apprehensive that the marked opposition to public opinion in Great Britain, on which this Act is founded, will be the cause of measures which your Petitioners cannot anticipate without feelings of the greatest alarm.

Your Petitioners are desirous of placing upon record their objections to this system; they are desirous to assure the Government that they are able and willing to support, and, as far as lies in their power, to reform such criminals, but they must be protected in their industry by proper laws, and placed less at the mercy of their convict servants.

Your Petitioners therefore most respectfully implore your Excellency and your Honourable Council to repeal so much of the present Act as your Petitioners have found injurious, and to enact such a law as will afford due protection to your Petitioners, and meet the just expectations of the British Parliament and people.

And your Petitioners as in duty bound will ever pray, &c. &c. &c.

[*Here follow the signatures.*]

Although the members of the Invermein Bench have not observed a *spirit* of insubordination existing in our district, we are of opinion that the former Act for the Punishment of Prisoners by no means conferred too great powers to the magistrates; and that the present Act in this respect was uncalled for, and has a tendency to produce the facts complained of. To the other parts of the Petition we subscribe.

[*Here follow the signatures of the Bench.*]

(D.)

PETITION of certain LANDHOLDERS and other FREE INHABITANTS of the Districts of *Newcastle* and *Port Stephens*, praying an Amendment of the Summary Punishment Act.

To His Excellency Major-General RICHARD BOURKE, Governor of New South Wales, &c. &c. &c., and the Honourable the Legislative Council.

The humble Petition of the undersigned Landholders and other Free Inhabitants of the Districts of Newcastle and Port Stephens.

RESPECTFULLY SHEWETH—

THAT your Petitioners being deeply impressed with the inadequacy of the present laws for controlling the prison population of this Colony, as testified by numerous

numerous instances which are constantly occurring within their own experience, consider it incumbent upon them to submit the same to your Excellency and your Honourable Council, feeling confident that their representation will receive that consideration which the importance of the subject demands.

Your Petitioners particularly allude to the very limited powers given to the magistrates of the territory, by your Act of the 3d of Will. IV., No. 3, and most especially to single magistrates, whereby, in a great many instances, offenders escape the punishment due to their offences, in consequence of the extreme difficulty and ruinous loss of time which would be incurred by the masters in bringing them to justice.

Your Petitioners are reluctantly compelled to allude to the instrument by which corporal punishment is now inflicted; the inefficacy of which your Petitioners have no hesitation in assuring your Excellency and your Honourable Council, has become a subject of derision among the prison population.

Your Petitioners desire respectfully to call the attention of your Excellency and your Honourable Council to the lenient discipline at present exercised over the iron-gang at Newcastle, which so far from constituting an exemplary punishment, and acting as a terror to the prison population, entirely fails in this respect, and defeats the judicious intention of His Majesty's Government of deriving a great public advantage from the useful employment of the worst description of offenders.

Your Petitioners could adduce numerous instances of insubordination and contempt of the laws, which clearly appear to your Petitioners to have resulted from the causes above mentioned; instances in which the authority of the master has been set at nought, and the punishment inflicted by the magistrates publicly and contemptuously derided.

Without entering into a further detail, your Petitioners are desirous of bringing to the notice of your Excellency and your Honourable Council the well-known fact of the increased number of runaways from private service every where observable of late, which circumstance your Petitioners conceive unquestionably to arise from the inadequacy of the existing law.

Your Petitioners also beg leave respectfully to represent to your Excellency and your Honourable Council, as a consequence of the extreme lenity of the present laws and discipline, that a dangerous idea now generally prevails among the convict servants in these districts, that their masters have hitherto acted towards them with undue severity; thus creating in their minds a feeling of hostility and insubordination, accompanied by a vague persuasion that their offences will no longer be visited with a proportionate punishment.

Under these circumstances, your Petitioners respectfully beg that your Excellency and your Honourable Council will adopt such legislative measures as may remedy the defects complained of, and afford due protection to His Majesty's free subjects in these districts.

And your Petitioners, as in duty bound, will ever pray, &c. &c. &c.

(E.)

(Circular.) No. 33-38.

Sir, Colonial Secretary's Office, Sydney, 29th August 1833.

REFERRING to my circular letter of the 18th of May last, the last paragraph of which alluded to a return to be transmitted on the first of every month, of corporal punishments inflicted in the last month:

I am directed by his Excellency the Governor, to request that you will have the goodness to superintend, personally, the corporal punishments which shall be inflicted in your district during the ensuing month of September, and report in the Column of Remarks in the Return above alluded to, the amount of bodily suffering in every case which the infliction shall appear to have produced; whether evinced by the effusion of blood, or by laceration, or other symptoms of bodily injury.

You will also please to state, whether the standard instrument directed to be used for corporal punishment appears to you, if properly wielded, to be sufficient for the punishment of such offences, as by the Act of Council, 3d Gul. IV. No. 3, are directed to be punished by the infliction of 50 lashes, and whether the mode of inflicting corporal punishment practised in Hyde Park

Barrack, by counting for each lash, and taking care that the executioner administers each stripe with due force, has been observed in inflicting punishments; upon which you are required to report, and also if the standard instrument has been used.

You will likewise have the goodness to report generally, any thing that may occur to you upon the sufficiency or insufficiency of the corporal punishment inflicted on convicts.

I have the honour to be, Sir,
Your most obedient servant,

To the Superintendents of Police,
Resident Magistrates, and
Superintendent of Hyde Park Barrack.

(signed) *Alexander M'Leay.*

Sir, Police Office, Maitland, 30th September 1833.

In compliance with the directions contained in your letter, dated 29th August, I have the honour to state, for the information of his Excellency the Governor, that I have personally superintended all the corporal punishments which have been inflicted in this District and that of Paterson's Plains, that the standard instrument has been used, and that the manner of inflicting such punishments has been according to that practised in Hyde Park Barracks.

In transmitting a Report in the Column of Remarks on the amount of bodily suffering produced in each case by the infliction of corporal punishments, I can only be guided by the appearance of the offender's back, which, in almost all cases, bears the same marks of laceration, except the degree of the effusion of blood, which materially depends on the nature of the man's skin.

In giving my opinion, which I am directed to do, with regard to the sufficiency of the corporal punishments for such offences as are directed by the Act of Council to be punished with 50 lashes, I feel no hesitation in declaring that I conceive that amount, when properly applied, to be proportionate and fully adequate to the generality of offences which are brought before this Court of Petty Sessions; and if a reference be made to the records of this Office for the last six months or more, and compared with the same previous length of time, I have every reason to believe that the diminished number of cases will bear testimony to the improved state of the convict population of this District and that of Paterson's Plains.

I have the honour to be, Sir,
Your most obedient Servant,

(signed) *P. N. Anley*, J. P. Resident Magistrate.

The Honourable the Colonial Secretary,
&c. &c. &c. Sydney.

RETURN of Corporal Punishments inflicted by Sentence of the Bench of Magistrates at *Maitland*, from the 1st to the 30th September 1833, in the presence of *P. N. Anley*, J. P. Resident Magistrate.

1. Dennis M'Donald, per ship Asia, insolence and neglect, 50 lashes. This man's back appeared much lacerated, and the blood appeared at the 20th lash, and continued to bleed much.
2. John Lawrence, Marquis of Huntley, neglect of duty, 50 lashes. Back appeared much cut, but bled only in a small degree.
3. John Field, Planter, absconding, 50 lashes. After 25th lash, the back exhibited a very dark appearance.
4. Henry Brown, Rosslyn Castle, drunkenness, 25 lashes. Back did not appear lacerated, but the offender screamed out greatly.
5. Thomas Greenwood, Nithsdale, disobedience of orders and absenting, 50 lashes. Appeared much cut.
6. James Hull, Phœnix, threatening his overseer, 50 lashes. Back lacerated and bled much. Appeared to suffer much.
7. James Denison, Sesostris, absenting, 25 lashes. Bled much.
8. Henry Holt, Asia, drunkenness, 25 lashes. Back assumed a dark appearance after the 15th lash.
9. Henry Wood, Norfolk, drunkenness, 25 lashes. Ditto ditto ditto.
10. William

10. William Hill, Isabella, absconding, 50 lashes. Bled profusely, and appeared to suffer much.

11. Daniel Sullivan, Asia, disobedience of orders, 25 lashes. Back cut, but did not bleed; nearly fainted.

12. George Merrell, Surry, disobedience of orders, 50 lashes. Back appeared much lacerated.

13. William Carter, Mary, general bad conduct, 50 lashes. Ditto ditto ditto.

14. Henry Valentine, Manlius, absconding, 50 lashes. Ditto ditto ditto.

15. William Crane, Hercules, neglect of duty, 36 lashes. Back much cut, and appeared to suffer greatly.

16. John M'Farlane, Manlius, absenting, 25 lashes. Back exhibited a dark appearance after 10th lash.

17. Joseph Gibson, Captain Cook, neglect of work, 50 lashes. Bled greatly, and appeared much exhausted.

18. John Orr, Hercules, neglect of duty, 12 lashes. (A boy), cried out very much.

RETURN of CORPORAL PUNISHMENTS inflicted by Sentence of the Bench at *Paterson*, from 1st September to 1st October 1833 inclusive, in the presence of *P. N. Anley*, J. P.

1. John Green, per ship Planter, absconding, 50 lashes. Appeared to suffer much, bled freely, and fainted after the punishment.

2. John Flynn, Dunvegan Castle, absconding, 25 lashes. Cried out, but did not bleed.

3. Bernard O'Neal, Sophia, absenting without leave, 25 lashes. Ditto ditto ditto.

4. George Wilks, Mary, disobedience of his mistress's orders, 50 lashes. Back appeared much lacerated.

5. Thomas Barn, Waterloo, neglect of duty, 25 lashes. Back assumed a dark appearance after 10th lash.

6. Thomas Stapleton, Forth, absconding, 50 lashes. This man had been in the army, and bore the marks of having been frequently punished—suffered greatly.

7. Thomas Higgins, Governor Ready, absconding, 50 lashes. Back much cut.

8. William Spence, Sarah, neglect of duty, 50 lashes. Ditto ditto, bled a little.

9. James Minahan, Phœnix, absenting at night, 50 lashes. Ditto ditto ditto.

10. Charles Barlow, Royal Admiral, absenting at night, 50 lashes. Ditto ditto ditto.

11. Richard Wilson, Marquis of Huntly, insolence to his master, 50 lashes. An old offender; did not appear to suffer much.

12. David Newton, Minerva, drunkenness and neglect as scourger, 50 lashes. Back much cut, but did not bleed.

13. William Truelove, Sir William Bensley, neglect of duty, 50 lashes. Bled greatly, and appeared faint and exhausted.

14. George Walsh, City of Edinburgh, repeatedly absenting, 50 lashes. Back lacerated.

15. John Williams, Mary, neglect of duty, 25 lashes. Appeared to suffer much; cried out.

16. Thomas Jones, Marquis Huntly, disobedience of his master's orders, 50 lashes. Back much cut.

17. Michael Donovan, Eliza, absconding, 50 lashes. Ditto ditto.

18. William Horton, Planter, absenting and having property he could not account for, 50 lashes. Ditto ditto.

19. Bryan Martin, Hercules, theft, 50 lashes. Ditto, but did not bleed much.

20. James Cavenagh, John, insolence to his overseer, 50 lashes. No great impression appeared.

21. George Archer, Waterloo, repeated neglect of duty, 50 lashes. Appeared to suffer much, and exhausted.

22. George Bagley, Mermaid, disobedience of his master's orders and absenting, 50 lashes. Bled much.

23. William Eccles, Parmelia, feigning sick, 50 lashes. Did not appear to suffer much.

24. N. Lansdown, Burrell, disobedience of his overseer's orders, 25 lashes. Appeared to suffer much, and cried out greatly.

25. Frederick Hemmendin, Lady Harewood, absconding, 50 lashes. Back much cut.

26. John Smith, Camden, absconding, 50 lashes. Ditto ditto.

27. Henry Wilson, Camden, absenting at night, 50 lashes. Ditto ditto, bled greatly.

28. James Canty, Asia, neglect of duty, 36 lashes. Ditto ditto.

[N. B.—The List now sent includes offenders from Williams' River, as well as Paterson.]

Sir, Lake Macquarie, 1st October 1833.

WITH reference to your circular, No. 33–38, August 29, I have the honour to state, for the information of his Excellency the Governor, that not having any corporal punishments inflicted in the district of Brisbane Water, during the last

month, I shall do myself the honour of reporting the first case that occurs in that district the earliest opportunity.

I beg leave to observe, that I was at Newcastle on the 16th ult., and superintended, personally, the punishment of the man named in the margin.* The standard instrument in this case was used, and appears to me to be sufficient for the punishment of such offences as, by the Act of Council, 3d Gul. IV. No. 3, are directed to be punished by the infliction of 50 lashes, and that the mode of inflicting the said corporal punishment has been applied similar to the punishments in Hyde Park Barrack in every respect.

I am of opinion, that if the standard instrument is used, and properly wielded, the corporal punishment inflicted on convicts is quite sufficient.

I have the honour to be, Sir,
Your most obedient humble Servant,

(signed) *Jonathan Warner.*
Visiting J. P. for Brisbane Water.

The Hon. the Colonial Secretary, Sydney.

Sir, Hyde Park Barrack, 1st October 1833.

In obedience to your Letter, dated 4th September, enclosing the circular, No. 33–38, from the Honourable the Colonial Secretary, I have now the honour to submit to you the daily Returns of punishment which has been inflicted in Hyde Park Barrack during the month of September, with my remarks in the margin, in strict obedience to the second paragraph of the circular.

With reference to the third paragraph of the circular, I beg to state that I consider the present standard instrument to be, when properly wielded, fully sufficient for the punishment of such offences as are therein quoted, and that the mode of infliction of punishment in Hyde Park barrack is such as to prove to the offenders themselves, that no other sentiment but a desire of performing a most painful but necessary duty has ever actuated any officer of any grade in that establishment, while it most thoroughly administers the due punishment of offenders; and in further proof of the efficiency of the present cat, and of the mode of infliction, I beg to refer you to the Reports of the police cases, Nos. 3, 8, 13, 24, and 40.

With reference to the fourth paragraph of the circular, and in obedience thereto, I beg to submit, that in my opinion the scourgers should be picked men of bodily height and power, and that at least two regular paid scourgers should be appointed solely for the duty of Hyde Park Barrack, it being impossible for any scourger to duly administer more than 150 lashes in the course of one day. With this improvement, punishment would certainly become more severe; and it is more especially to be remarked, that the first part of the punishment would be more acutely felt. A question may then arise, for the consideration of Government, whether, depending fully on the proper infliction of all sentences, they being carried into execution under the superintendence of a respectable and responsible officer, the sentences themselves may not hereafter be more lenient.

I have the honour to be, Sir,
Your most obedient and humble Servant,

(signed) *Ernest Augustus Slade.*

The Principal Superintendent of Convicts,
&c. &c. &c.

RETURN of Corporal Punishments inflicted by Sentence of the Sydney Police Bench, from the 4th to the 30th September 1833, in the presence of *E. A. Slade*, J. P. Superintendent, Hyde Park Barrack.

1. William Graham, per ship Camden, absent without leave, 25 lashes. Skin lacerated at the 13th lash; at the 15th the convict appeared to suffer great pain; but during the whole of the punishment he did not utter a word, nor groaned; but when cast loose from the table, the expression of his countenance indicated much suffering. The convict says that he never was flogged in this colony before. I did not discover any marks of punishment on his back.

2. Calvin

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* James Burrows, life, per ship Asia, attached to the iron-gang at Newcastle; received 50 lashes. The bodily suffering in this case was evinced by laceration, with a little effusion of blood; the man had a sun-burnt back.

2. Calvin Sampson, America, stealing a pair of shoes, 50 lashes. Blood flowed at the fourth; the convict cried out at the 18th, and continued crying for a few succeeding lashes; his skin was considerably torn, and blood flowed during the whole of the punishment. This man groaned much, and prayed while suffering his sentence, and afterwards declared seriously that he "would never come again." I am of opinion that he was sufficiently punished at the 25th lash; and I felt convinced that he suffered so severely as to become, henceforth, more careful in subjecting himself to the infliction of punishment in Hyde Park barrack, under my superintendence. This convict says he was flogged once on the passage out, but never before in the colony.

3. Daniel Alone, Andromeda, grossly neglecting his duty, 50 lashes. The prisoner cried loudly at the second, and repeated his cries at every lash; at the 12th lash the blood was flowing largely; the prisoner seemed to suffer intense agony. I am of opinion that this man was sufficiently punished at the 25th lash. Daniel Alone states, he was flogged last Saturday, but the marks of punishment on his back were very slight indeed; this fact proves the necessity, not of increased punishment, but of the presence of some responsible officer of character, whenever punishment is inflicted.

4. James Clayton, Phœnix, absent without leave and neglecting his duty, 50 lashes. The skin was lacerated at the fifth lash, and there was a slight effusion of blood: the prisoner subdued his sense of pain by biting his lips. The skin of this man was thick to an uncommon degree, and both his body and mind have been hardened by former punishments, and he is also known to be what is termed "flash," or "game;" nevertheless, I am of opinion, that if all his former (or perhaps only his first) punishments had been as vigorously administered as this last, his indomitable spirit would have been subdued.

5. John Denning, Parmelia, neglect of duty, 25 lashes. The prisoner cried out at the first lash, and continued crying loudly; at the sixth lash the flesh was lacerated considerably; blood was drawn, but did not flow. This man says he was never flogged before, and I did not discover any marks of former punishment on his back. It is my decided opinion he was sufficiently punished, and that the number of lashes this man suffered, had as much effect as to the intended end of punishment, as 100 lashes would have had.

6. Thomas Holdsworth, Parmelia, pilfering from his master, 50 lashes. At the first lash the prisoner uttered piercing screams, and continued screaming at each succeeding lash, and appeared to suffer greatly; the fifth lash brought blood, and the flesh was considerably lacerated at the conclusion of the punishment. This man says he was never flogged before, nor did there appear on his back any marks of former punishment. I am of opinion that he was sufficiently punished at the 25th lash, for his bodily strength was nearly exhausted, as was manifested by his staggering gait when cast loose.

7. Joseph Kenworthy, Camden, accessary to pilfering from his master, 50 lashes. The first lash elicited loud cries from this prisoner; at the 18th lash the blood appeared; at the 25th lash the blood was trickling, and at the 32d flowing down his back; the bleeding continued until the end of the punishment. This man was very severely punished. I am of opinion that he would have been sufficiently punished at the 25th lash. He says he was never flogged before; his back exhibited no signs of former punishment; he was very fat, with a thin skin. The sufferings of this prisoner were evinced by his unnerved state of body when cast loose; he could scarcely stand.

8. Isaac Coats, Mary, insubordination, 25 lashes. At every lash this prisoner called loudly for mercy; the blood was drawn but did not flow. He says he was never flogged before; when cast loose he was very pale, and asked permission to sit down, as he felt sick and faint; a sure evidence that his power of endurance of pain had been proved nearly to an extreme.

9. Edward Davis, Dunvegan Castle, drunk and making use of improper language before Mr. Folkard's family, 50 lashes. This man was never punished before; he cried out loudly at the first lash; the skin was lacerated at the 14th lash, and he continued to cry out loudly. Twelve lashes would have been *sufficient* punishment; he continued crying after the flogging was over.

10. Alexander Somers, John, insubordination and absent without leave, 25 lashes. This man was never flogged before; the skin was lacerated at the 12th lash; he was sufficiently punished at the 12th lash. He did not cry out, but he seemed to feel his flogging much.

11. William Gregg, Norfolk, absent without leave, 25 lashes. This man was punished with 50 lashes about the end of last month; his back was then sore; the unhealed skin broke at the first lash, and at the 4th the blood appeared. This man did not cry out; he is a stout man, and has a thick skin, but the appearance of his back, when the punishment was over, sufficiently proved that he had endured much pain.

12. Robert Coakly, Florentia, insolent, disobedient, frequently drunk and absent without leave, 50 lashes. This man was never flogged before; he seemed to feel great pain at the 10th lash; the 15th lash drew blood; seemed to endure much pain at the 40th lash.

13. William Robinson, Mary, drunk and making away with a part of his dress which was given him by his master, 50 lashes. This man was never flogged before; he cried out at every lash; the skin was lacerated at the 12th lash; the blood appeared at the 20th; this man *suffered* intense agony. Twenty lashes would have been an *ample* warning to him.

14. George Mimden, Asia, gross neglect of duty, 25 lashes. This man was never flogged before; the skin was lacerated at the 16th lash; the blood appeared slightly; he did not cry out.

15. Jacob Gibbons, Marquis Hastings, absconding, 50 lashes. This man was punished with 50 lashes three years ago; at the 16th lash the skin was lacerated, yet the man suffered in silence. The appearance of his back showed the severity of the punishment.

16. William Holt, Camden, drunk and absent without leave, 20 lashes. This man was never flogged before; the skin was lacerated at the 15th lash. He was sufficiently punished.

17. John Brailsford, Mary, assaulting his fellow servant, 50 lashes. This man was never flogged before by his own statement; he cried out at the 5th lash, and continued crying; the skin was lacerated at the 24th lash, and the blood appeared at the 40th, and flowed at the 48th lash; he suffered much pain. Twenty lashes would have been sufficient.

18. Henry Stapleton, Eliza, insolence, 25 lashes. This prisoner received 30 lashes about three weeks since; the skin was lacerated and blood appeared; he cried out considerably during the whole of the punishment, and seemed to feel much pain.

19. John Conolly, Lady Harewood, threatening his fellow servant, 25 lashes. This man called out at the 1st and 2d lash, but did not repeat his cries; at the 18th lash he began to writhe; the skin was lacerated at the 25th lash. He was never flogged before.

20. James James, drunkenness, 25 lashes. This man was never flogged before; he cried out loudly at every lash; the skin was lacerated at the 15th lash, and the blood appeared slightly.

21. Thomas Reily, Dunvegan Castle, neglect of duty, 25 lashes. This man was never flogged before; the skin was lacerated at the 15th lash. He was sufficiently punished.

22. Hugh Campbell, Camden, neglect of duty, 25 lashes. This man was flogged for the first time, some months back; the skin was lacerated at the 12th lash, no blood appearing.

23. John M'Grath, Dunvegan Castle, drunk and neglecting duty, 25 lashes. This man was flogged about one month ago for the first time; the skin was lacerated, but no blood appeared.

24. Daniel Dickson, Lady Harewood, disobeying orders, 50 lashes. This man was never flogged before; he cried out loudly at every lash; the skin was lacerated at the 17th lash. Twenty-five lashes would have been a sufficient punishment; he fainted at the 30th lash; he was very *severely* punished.

25. John Hayes, Ferguson, insolence and disobedience, 50 lashes. This man was never flogged before; the skin was slightly lacerated at the 20th lash, and at the 28th lash he flinched considerably. This man seemed to have a hard skin; he neither cried nor spoke.

26. David Hennan, Marquis Huntly, having stolen property in his possession, knowing the same to have been stolen, 50 lashes. This man was flogged 18 months ago; he flinched much throughout the punishment; the skin was lacerated at the 9th lash, and blood appeared slightly at the 39th lash; he neither cried nor spoke, but he seemed to feel considerably.

27. Matthew Burns, Guilford, insolence and disobedience of orders, 25 lashes. This man was flogged here six weeks ago; he cried out at the 1st lash and continued crying; the skin was lacerated and blood appeared slightly at the 10th lash.

28. William Bannister, Dunvegan Castle, disobedient and absconding, 25 lashes. This man was never flogged before; he cried out at the 2d lash, and continued to feel great pain; the skin was slightly lacerated, but no blood appeared; his skin was very thick.

29. John M'Loughlan, Exmouth, insubordination, 25 lashes. This man was flogged six weeks ago at Wallis' Plains, for the first time; the skin was lacerated at the 5th lash; the blood appeared at the 11th lash; the skin was somewhat cut.

30. William Smith, Exmouth, drunk, insolent and resisting a constable, 50 lashes. This man was flogged about two years ago; he flinched much throughout the punishment; the skin was lacerated, and the blood appeared at the 24th lash; he seemed to suffer great pain, which was evinced by his suppressed groans; blood *ran* at the 45th lash; he cried out "domino" when finished.

31. Henry Hurd, Parmelia, neglecting duty, 25 lashes. This man was never flogged before; he cried out at the 3d lash; he seemed to suffer *great* pain, and repeated loud cries at every lash.

32. Anthony Wick, Mary, insolence and absconding without leave, 50 lashes. This man was never flogged before; the skin was lacerated at the 38th lash; the blood appeared slightly at the 48th lash; he neither cried nor spoke.

33. Benjamin Morgan, Asia, neglecting duty, 25 lashes. This man was punished in the barrack six months ago; he cried out at the 1st lash, and continued his cries; the skin was lacerated at the 17th lash. I consider him sufficiently punished.

34. James Neeson, Bussorah Merchant, absconding, 50 lashes. This man was never flogged before; the skin was lacerated at the 13th lash; he groaned at the 17th lash, and continued his groans; the blood appeared slightly at the 28th lash, and ran freely at the 46th lash.

35. Thomas Field, John, at large in Sydney, 50 lashes. This man, by his own statement, was flogged four years ago; but the scourger remembered his being flogged about 12 months ago; the skin was lacerated at the 8th lash; he groaned at the 12th lash, and seemed to feel great pain; his cries were louder as the punishment proceeded; blood ran down at the 43d lash. This man would have been sufficiently punished with 25 lashes.

36. Alexander M'Bride, Cambridge, absconding, 25 lashes. This man was never flogged before; he cried slightly at the 5th lash; the blood appeared at the 28th. He was sufficiently punished.

37. Peter

37. Peter Davis, Surrey, absconding, 25 lashes. This man was flogged about a month ago; he cried out at the 1st lash, and continued his cries; his skin was lacerated at the 10th lash; he seemed to feel great pain, and declared he would not come again; the blood appeared slightly.

38. Isaac Cannon, Asia, assaulting Mrs. Rush, 25 lashes. This man was flogged five years ago; he cried out at the 1st lash and continued his cries; his skin was lacerated at the 16th lash.

39. John Tibbles, Asia, assaulting Mr. Hindmarsh by means of his dogs, and giving a false account of himself, 25 lashes. This man was never flogged before; he cried out at the 1st lash, and continued his cries; his skin was lacerated at the 15th lash.

40. Jeremiah Higgins, Portland, absconding, 25 lashes. This man was flogged about five years ago; he *writhed* under the pain; the skin was lacerated at the 7th lash; the blood at the 12th lash; he cried out at the 22d lash. This man was *severely punished.*

41. Joseph Chapman, Camden, absent without leave, 25 lashes. This man was flogged about a month ago; the back was still sore from that punishment; he cried out at every lash; the skin was lacerated at the 12th lash, and the blood appeared.

42. James Wilson, Planter, absconding, 50 lashes. This man was never flogged before; he cried out at the 1st lash, and continued his cries throughout his punishment; the skin was lacerated at the 17th lash, and the blood trickled down his back at the 50th lash.

43. Joseph Watts, *alias* Jones, Florentia, absconding, 50 lashes. By this man's own account he was never flogged before, nor did there appear any marks of former punishment on his back; he cried out at the 1st lash, and continued crying throughout the punishment; the skin was lacerated at the 40th lash; this man had a very thick skin.

44. Charles Vout, Andromeda, absconding, 50 lashes. This man was never flogged before; he cried out and flinched at the punishment; the skin was lacerated at the 10th lash; the blood appeared at the 25th lash, and ran freely at the 40th lash. Twenty-five lashes would have been sufficient punishment. This man was severely punished.

45. Thomas M'Canna, Albion, fighting, insubordination and threatening a constable, 25 lashes. This man was flogged about two years ago; he groaned at the 6th lash; the skin was lacerated at the 12th lash; the blood appeared at the 17th lash.

46. Frederick Kellow, Burrell, absent without leave, 25 lashes. This man was never flogged before; he groaned out and seemed to feel much pain; the skin was lacerated at the 9th lash; the blood appeared at the 14th lash; blood ran freely at the 24th lash. Eighteen lashes would have been sufficient punishment.

47. Charles Wright, Waterloo, drunk, absent and outrageous when taken into custody, 25 lashes. This man was never flogged before; the skin was lacerated at the 6th lash; he did not cry out, but began to flinch at the 12th lash; the blood appeared at the 24th lash.

48. George Burgess, Asia, incorrigibly insolent and disobedient, 50 lashes. This man was never flogged before; he groaned during the punishment, but did not cry out; the skin was lacerated at the 24th lash; the blood appeared at the 30th lash. Thirty-six lashes would have been sufficient punishment.

49. George Bell, Clyde, insolent and disobedient, 25 lashes. This man was flogged here about three months ago; the skin was lacerated at the 10th lash; the blood appeared at the 18th lash, and ran freely at the 25th lash.

50. Henry Chatterton, Morley, neglect of duty and absenting himself from service, 25 lashes. At the 4th lash the skin was lacerated, and at the 15th lash the blood came. This man was never flogged before.

51. John Thompkinson, Mangles, insubordination and neglect of duty, 25 lashes. The skin was lacerated at the 5th lash; the blood came at the 6th, and ran at the 20th lash. This prisoner did not cry out, he however seemed to feel great pain.

52. Robert Grigson, Lord Melville, absconding from service, 50 lashes. The skin was lacerated at the 12th lash; the blood came at the 37th lash. This man suffered greatly; 36 lashes would have been sufficient punishment.

RETURN of CORPORAL PUNISHMENTS inflicted by Sentence of the Hyde Park Barrack Bench, from the 4th to the 30th September 1833, in the presence of *E. A. Slade*, J. P. Superintendent, Hyde Park Barrack.

1. William Leach, ship Hooghly, taken out of a disorderly house at the hour of 10 at night, 25 lashes. The 3d lash drew forth groans, which were continued until he was cast loose; the skin was torn at the 11th, and blood effused slightly at the 16th lash. The skin of this convict was thick and hard, but I am of opinion that he felt his punishment sufficiently. He says he was flogged in the Barrack three years ago.

2. John Lenon, Mangles, absent one night from Barrack without leave, 25 lashes. The skin torn at the 8th, and a slight bleeding at the 10th lash; at the 15th lash the skin was decidedly flayed off, the blood flowing slightly; the flesh much swollen. The severity of this man's punishment was manifest. He says he was never flogged before; I could not discover any marks of punishment on his back.

3. James Jones, Layton, larceny, 50 lashes. He was punished with 50 lashes four months ago for the first time; the skin was lacerated at the 14th lash; he neither cried or spoke; no blood appeared. This man's skin was thick and hard, but if I am to judge by his countenance, he did not consider his punishment slightly.

4. John Creedon, Eliza, general neglect of duty and insolence, 50 lashes. He says he was never flogged before; the blood appeared at the 25th lash, and continued to run down

during the punishment; he did not cry out; I am, however, of opinion he suffered much pain.

5. Daniel Culnane, Norfolk, having a pair of stolen boots in his possession, 50 lashes over his breech. The skin was lacerated at the 4th lash; he cried out at every lash; blood appeared at the 35th lash; he suffered *much* pain.

6. Frederick Landigan, City of Edinburgh, having stolen property in his possession, 50 lashes. This man says he was never flogged before; there were no remaining marks of former punishment; the skin was lacerated at the 25th lash, yet he did not utter any cries, but his countenance evinced the endurance of great pain.

7. William M'Loughlan, America, having a stolen pair of shoes in his possession, 50 lashes. The skin was lacerated at the 25th lash; on being taken down the blood began to run very freely; this prisoner did not cry out; he, however, seemed to feel great agony.

8. William Preston, Shipley, insubordination, and exciting others to similar conduct, 50 lashes. This man was flogged four months ago; the skin was lacerated at the 18th lash, and there was a slight appearance of blood; the prisoner, who is considered a hardened character, suffered in silence, but he seemed to feel his punishment sufficiently.

9. John Carroll, Dunvegan Castle, neglect of duty by feigning sickness, 25 lashes on the breech. This boy received 12 lashes about three weeks ago, and was flogged a short time before that; cried out loudly at the 1st lash; blood came at the 18th lash, and ran freely throughout the remaining part of the punishment. He must have felt *much* pain.

10. Daniel Coleman, Waterloo, neglect of duty by feigning sickness, 25 lashes on the breech. This prisoner, by his own statement, was never flogged before; he cried out loudly at every lash; skin lacerated at the 14th lash. He must have suffered much.

11. John Tree, Asia, neglect of duty by feigning sickness, 36 lashes on the breech. At the 11th stroke the blood appeared, and continued running; he cried out loudly at every lash; this was the first time of corporal punishment. This boy suffered *most* severely; and, in my opinion, 12 lashes would have been sufficient for him.

12. Thomas Jackson, Camden, neglect of duty by feigning sickness, 25 lashes on the breech. He received 12 lashes 7 months ago, 50 six months ago, and 25 six weeks ago; his breech was sore from last punishment; the blood came at every stroke; he complained bitterly of the treatment at Carters' Barrack.

13. Edward Scandrake, Mangles, neglect of duty by feigning sickness, 25 lashes. He received 50 lashes last Monday week, but was never flogged before; his breech was sore from the last punishment; blood came at the 1st stroke: he screamed *dreadfully* at every lash; the blood running freely from the old wounds; he lost much blood; complained bitterly of the treatment at Carters' Barrack, and wished some one would examine into it: indeed all the Carters' boys invariably make the same complaint.

14. James Corcoran, Captain Cook, neglect of duty by feigning sickness, 25 lashes on the breech. By this boy's own statement, he was flogged four months ago for the first time; cried out loudly at the first lash, and continued crying; the skin was lacerated at the 8th lash, and the blood ran. Twelve lashes would have been sufficient.

15. John O'Donnel, Sophia, absconding, 25 lashes. The back of this man was sore from a flogging he received up the country about a fortnight back; the skin was lacerated at the 20th lash, and blood appeared slightly; he never cried or spoke. This man had been for some years a flogger himself.

16. James Baulch, Planter, absent from his duty several hours on Tuesday last, without leave, 25 lashes. This man was never flogged before; the skin was slightly lacerated at the 15th lash; blood did not appear; he neither cried or spoke.

17. William Johnson, or Hawkes, Guildford (7), absconding from escort to the Hulk, 100 lashes. This man was flogged about 10 months ago; the skin was slightly lacerated at the 12th lash; he cried out several times; the blood appeared at the 35th lash; at the 90th lash he asked me "to let him off the remaining ten lashes."

18. Adam Ballatine, Captain Cook, disobedience of orders in going to the hospital, under pretence of sickness; a troublesome character, 25 lashes over the breech. This boy received 25 lashes on the 22d of July; he cried out *loudly* at every lash; the blood ran *freely* from fresh and old sores; he was *severely* punished.

19. James Skiddy, City of Edinburgh, absconding and giving a false account of himself, 25 lashes. This man was never flogged before; he called out at the 2d lash, and at each following lash repeated loud cries; he fainted at the 13th lash. He declared he would never come again.

20. James Bulerankle, Portland (7), breaking out of his *cell*, and releasing his fellow prisoners that were under punishment, 50 lashes. This man was never flogged *here* before; the skin was lacerated at the 10th lash, and blood at the 22d lash, and increased in quantity at the 30th lash; this man was *severely* punished.

21. John Jones, Royal George, refusing to work, and mutinous and insolent language to overseers and constable, 75 lashes. This man was flogged about six weeks ago; the skin was lacerated at the 12th lash, and blood came at the 30th lash. This man did not call out; his skin appeared hard, I should say from former punishments.

22. Daniel Mahoney, Marquis Hastings, refusing to work, 50 lashes. This man was flogged four months ago; the skin was lacerated at the 12th lash; the blood came at the 48th lash.

23. William Parr, Catharine Stewart Forbes, refusing to work, 50 lashes. This man was flogged once before; the skin was lacerated at the 20th lash; the blood came at the 31st lash; he did not cry out.

24. Edward Littleton, Florentia, gambling and insubordinate language to the overseer, two dozen lashes. Blood came from an old sore, the consequence of former punishment, at the 6th lash.

25. William Hodder, Burrell, drunk and disorderly conduct, 25 lashes. This man was never flogged before, and the blood came at the 5th lash; he cried during the whole punishment.

26. James Thomas Benn, Andromeda, disobedience of orders and neglecting his duty, 12 lashes over the breech. The skin was lacerated at the 11th lash; no blood appeared; he did not cry.

27. Michael Clancey, Captain Cook, disobedience of orders and neglecting his duty, 12 lashes on the breech. This boy was flogged twice before; the skin was lacerated at the 12th lash; the blood appeared.

28. James Burnett, Florentia, attempting to rob the till, in Barnes's public-house, the sign of "St. Patrick," in Clarence-street, 25 lashes, and sent to a distant road gang. This boy was never flogged before; he cried out at the 1st lash, and continued his cries; the skin was lacerated at the 13th lash; he seemed to feel much pain; 12 lashes would have been sufficient punishment.

29. John Dowlan, Mermaid, absconding, 50 lashes. This boy was flogged six months ago; he cried out at the 1st lash; the skin was lacerated at the 13th lash; the blood came at the 19th lash, and ran down at the 24th lash. Twelve lashes would have been sufficient punishment.

Sir, Police Office, Campbelltown, 1st October 1833.

Enclosed I have the honour to transmit you a Return of Corporal Punishments inflicted in this District for the past month, in accordance with the Government Circular of the 18th of May, comprising in the column of Remarks a report of the amount of bodily suffering indicated by external signs, as requested by the Circular of the 29th of August last, to enable me to comply with which, I have personally superintended each punishment.

Answers to the further questions submitted to my attention by the latter Circular, are partly anticipated in those remarks, but it may, perhaps, be considered my duty to treat of them more directly in the order in which they are proposed.

In answer to the inquiry made as to the sufficiency of the standard instrument of punishment, I have to observe as follows:—

I consider the instrument, from the nature of the flax, and the slovenly manner of its construction, to be greatly deficient in the quality of retaining, for any reasonable time (even for two or three successive punishments), its original power of inflicting pain. This, of course, altogether defeats the very object of its employment as *a standard*, rendering the actual amount of punishment (without reference to other unavoidable causes of disparity) dependent on the length of time during which it may happen to have been used. Whether the cat in its original state, supposing it to retain the same, or nearly the same power, until a time when it could be reasonably laid aside from length of service, is sufficient for the purpose mentioned, is really a question to which I can hardly give a categorical answer. The unavoidable disparity in the effect of the same punishment on persons of different bodily and mental constitutions (whether in regard to the pain endured, or its tendency to check crime), is so very great, that an induction from a vast variety of instances is absolutely necessary to form a correct judgment as to the average punishment suited, on the whole, for a particular class of offences and persons. It involves a fearful responsibility, which I cannot bring myself to assume, to decide precisely how much torture ought to be systematically inflicted by law on any set of men. To judge by my own feelings, in witnessing the execution of the present punishment, I should be disposed to say, that when the scourge is new it is usually quite sufficient. But, in so saying, I do not profess to have yet acquired the power of witnessing the infliction of pain with such unmoved nerves, as may be, perhaps, justly considered to be as necessary in a magistrate dealing with this subject, as in a surgeon when inflicting pain for the beneficial purposes of his art. I likewise disclaim entering into the question of the severity of the punishment of convicts, as compared with that of the army, conceiving that I am not bound to admit the propriety of army or navy discipline as a point to start from. Not that I am prepared to deny it. The whole subject is indeed new to me. I feel painfully the necessity of entering on it, and must confess myself disqualified to form a complete judgment upon it, without further experience. The only point on which I feel satisfied in giving a clear opinion is in that first observed upon, the defect in the scourge as a standard, on account of the great difference in its power in the different stages of its use; and until this be remedied, I cannot see that a fair experiment has been made of *any system* of punishment on which the magistracy can report or the public can judge.

To the remaining questions proposed, I beg to reply that the system of counting for each lash *is* adopted in this district, and that the executioner appeared to me to administer each lash with the vigour of a man *in earnest*, though, perhaps, not with the same violence which a drummer is taught to use in the army by the very fact of its being considered necessary to relieve him after 12 lashes, nor with that peculiar art in the flourish of the scourge which I understand is employed in the army, and also in Hyde Park Barracks, and greatly adds to the pain. The standard instrument was used in every case on which I have remarked.

In conclusion I have to add, as general suggestions, that the object of punishment being only to deter from crime by a painful sensation, the less the skin is damaged or health injured, consistently with this object, the better; and that it appears to me that these combined objects would be best effected by the *maximum* of rigidity in the lash and of force in its infliction, and the *minimum* of its thickness or weight. In the article of force, the greater the leverage thereof the better, as whatever is thereby added in velocity may be diminished in weight of cord.

I have the honour to be, Sir,
Your most obedient humble servant,
(signed) *George Kenyon Holden,*
Police Magistrate.

The Honourable the Colonial Secretary.

EXTRACT of a LETTER from *George Kenyon Holden*, Esq. Police Magistrate, dated Police Office, Campbelltown, 28th September 1833.

"I CANNOT dismiss this subject without conveying to his Excellency my unqualified testimony that so far as this District is concerned, there exists none of that tendency to disorder and insubordination which has been complained of in other parts of the Colony: on the contrary, so far as my observation has extended, I have been greatly astonished to find that, in the anomalous state of society here existing, there should be so little cause of complaint; and I am borne out by those who have had the opportunity of comparing the present state of this District with former times, that it never was in a more orderly state."

RETURN of CORPORAL PUNISHMENTS inflicted by the Bench of Magistrates at *Campbelltown*, from the 1st to the 30th September 1833, inclusively, in the presence of the Police Magistrate, *William Howe*, Esq. J. P. and *John Coghill*, Esq. J. P.

1. HENRY HEWITT, Edward, insolence and an assault, 50 lashes. The part of the back exposed to the scourge assumed a deep purple colour before the end of the punishment, and there was a breach of surface over the greater part of the same space, which might be termed "*a raw*," but no blood flowed. This was, as I afterwards found, the *usual* effect of 50 lashes. The prisoner was a vigorous young lad, apparently of great powers of endurance, but by flinching and writhing about seemed to suffer a good deal.

2. Chas. Metzgar, Florentia, refusing to work, 50 lashes. Blood flowed at 30 lashes: this was the only case of blood flowing during any punishment which I saw inflicted: the prisoner was in delicate health, and punishment had been waived for several previous offences, in consequence of an indisposition to inflict it on so weak a man. There did not appear, however, any great amount of suffering, judging from the manner of the prisoner, than in ordinary cases.

3. John Thomas, Parmelia, neglect of duty, 25 lashes. The skin acted upon as described in No. 1; great pain indicated by writhing about, and violent exclamations.

4. William Bessey, Midas, unlawfully employing the team of Wm. Howe, Esq. and intoxication, 50 lashes. The skin acted upon as in No. 1; the manner of the prisoner indicated great pain.

5. James Lenn, John, absence and repeated intoxication, 50 lashes. See also No. 1. Borne with great resolution, without movement or exclamation, but from the way in which the prisoner recovered his breath, when thrown off, it seemed to have been a violent effort.

6. George Wood, Surry, neglect, insolence, and refusal of orders, 50 lashes. See No. 1. Nothing remarkable in the manner of the prisoner, but the effect is slighter, the scourge getting worn out.

7. Edward Smith, Waterloo, insolence, 25 lashes. Same as the last case, but the punishment still slighter, in consequence of the scourge being more worn; no great indication of pain in the manner of the prisoner.

8. Thomas Price, Isabella, disobedience, idleness, and insolence, 36 lashes. A new scourge. Symptoms recorded No. 1; no blood, but the scourge appeared to act severely; the prisoner made pitiable exclamations. Mr. Howe and Dr. Kenny were with me; the

former

former appeared painfully struck by the punishment, and at one moment proposed throwing the prisoner off at 25 lashes, under the excitement of these feelings. Dr. Kenny, on the other hand, who had long served with the army in India, and repeatedly witnessed army punishment professionally, thought the punishment light compared with that of the army, stating that the same number of lashes in the army would have infallibly produced blood. The difference he attributed partly to the greater rigidity of the cord in the army, but chiefly to the manner of administering the lash, each stroke being delivered with a peculiar flourish, and great vigour being kept up in the execution by the repeated change of hands.

9. John Jones, Recovery, absent from his gang on a Sunday without leave, and found in a public-house, 25 lashes.

10. John Hollins, Asia, ditto, ditto, ditto.

11. William Lees, Lord Melville, absent without leave, intoxication, and insolence, 50 lashes.

12. Charles Holmes, Governor Ready, absence without leave and intoxication, 25 lashes.

13. Patrick Foley, Borodino, absence without leave and intoxication, 25 lashes.

14. Robert Pevit, Henry, intoxication, 12 lashes.

15. Daniel Ridley, General Stewart, found in a public-house on a Sunday, 12 lashes.

9 to 15. The discoloration, mentioned No. 1, in different degrees; Captain Coghill accompanied me on this occasion. All these prisoners bore their punishment with as much or more apparent ease than I had witnessed in any of the previous cases, some appearing perfectly passive, and giving no sign of suffering whatever; some of them were strong men from the road party, but the ease with which they bore it might be partly attributed to a diminution in the power of the cat at each successive punishment. The very first punishment generally unwinds the thread which confines the ends of the tails and gives it rigidity, and the future punishments are much less severe in consequence. I think the rapidity with which the lash loses its original rigidity (and even at first it is not great with New Zealand flax) creates a great disparity in the punishments received in the different stages of its use, and may greatly account for the various opinions expressed regarding its efficacy, when added to the causes of disparity which no art can surmount, as the different bodily and mental constitutions of prisoners, different qualifications of the scourgers, &c.

Sir, Police Office, Windsor, 2d October 1833.

I HAVE the honour to report for the information of his Excellency the Governor, that in compliance with the directions contained in your letter of the 29th August, I have personally superintended the corporal punishments inflicted in this District during the month of September (with the exception of the two first on the list, who were punished previous to my receiving your letter), and I now transmit the usual Monthly Return, with the remarks made on each case as it occurred.

These punishments were inflicted with instruments received from Hyde Park Barracks, marked on the handle " Regulation," and I consider them, if properly used, to be quite sufficient for the punishment of such offences as by the Act of Council, 3 Will. 4, No. 3, are directed to be punished with fifty lashes; but it appears to me, that sufficient attention is not paid to *tying the end of the lashes*, as they invariably become loose after a few stripes, and I have been obliged to get them done over again with thread.

I am not aware of the precise method of counting for each lash at Hyde Park Barracks, but the practice adopted here is to count each lash as in the army, which is done aloud by a constable; each stripe is administered with proper force, and the chief constable stands by to see the flogger do his duty; the time occupied in giving fifty lashes is about four minutes, or something under five seconds to each lash.

During my service in the army I have had many opportunities of witnessing the infliction of corporal punishment, and I am of opinion that fifty lashes as administered with the regulation cat are equal to one hundred by the military cat.

I have further to state, in reference to the last paragraph of your letter, that I have not found the corporal punishments inflicted on convicts to be insufficient, nor has there been any increase of crime or insubordination among the convicts in this District.

I have the honour to be, Sir,
Your most obedient servant,

(signed) *S. North*, J. P., Superintendent of Police.

The Honourable the Colonial Secretary,
&c. &c. &c.

RETURN of Corporal Punishments inflicted by Sentence of Magistrates at *Windsor*, from the 1st to the 30th September 1833, in the presence of *S. North*, J. P. Superintendent of Police.

1. Felix Stokes, Nithsdale, absent without leave, 50 lashes. Punished previous to my receiving instructions to attend the punishments.

2. George Tull, Hercules, dishonest conduct, 25 lashes. Ditto ditto ditto.

3. Edward Burnes, Florentia, disorderly conduct, 25 lashes. Had been punished before; about the 10th lash blood appeared; his back was much lacerated; during the infliction he struggled much, and was quite exhausted when taken down.

4. William Hughes, Portland, refusing to work, 25 lashes. Back much lacerated, but very little blood; appeared to suffer great pain during his punishment, but did not cry out, having stuffed his shirt in his mouth.

5. Francis Byrne, Hercules, dishonest conduct, 25 lashes. Back a good deal lacerated, but in consequence of the careless manner in which the ends of the lashes were tied, they continually came loose; he was not as much punished as he otherwise would have been.

6. James Pilkington, Marquis Huntly, repeated neglect, 75 lashes. An elderly man, with hard skin; had been punished before; blood did not appear until the 13th lash; the instruments used in punishing this man had the same fault as mentioned in the last case; nevertheless, his back was a good deal lacerated, but he did not appear, when taken down, to be as much exhausted as some are, after 25 lashes.

7. John Holden, Norfolk, dishonest conduct, 50 lashes. A fair thin-skinned young man. The defect in the instrument having been remedied, blood appeared about the 10th lash; back much lacerated; he bore his punishment well.

8. Alfred Shanton, Lady Harewood, neglect of work, 25 lashes. A hardened youngster about 17 years of age; he was determined (if possible) to bear his punishment like a man; he was however well flogged, and I have no doubt he will avoid a similar punishment; back a good deal lacerated, but he did not seem to suffer much bodily pain.

9. Francis Hayes, Marquis Hastings, disorderly conduct and neglect of work, 50 lashes. A young man; had been punished before; at the first lash he cried out, which he did during the whole of his punishment, and struggled most violently, calling out that he could not stand it, and praying to be taken down; about the eighth lash blood came, and he begged for some water, which was given him; his back was much lacerated, and he appeared a good deal exhausted when taken down.

10. James Turner, Hercules, disorderly conduct and neglect of work, 50 lashes. This was also a young man, and had been punished before; his present punishment was equally severe as the last, but he bore it with more fortitude; when taken down he was exceedingly pale and exhausted.

11. Andrew M'Mahon, Chapman, drunk and disorderly, 50 lashes. This was an old offender, had been flogged repeatedly; this was the first time that he was punished with the regulation cat; he bellowed at every lash, and writhed with agony; his back was very much lacerated, and more blood appeared than I had observed on any other criminal; when taken down he seemed much exhausted, and cried like a child.

12. Henry Pye, Florentia, disorderly conduct, 25 lashes. A stout fleshy subject; his back was much lacerated, but he bore his punishment without showing any outward sign of agony; when taken down he looked pale, but not much exhausted.

13. James M'Carrol, Cambridge, disorderly conduct, 25 lashes. This man suffered great pain during the infliction of his punishment; he uttered no cry, but at every stroke he appeared ready to faint; his back was a good deal lacerated, and blood appeared about the twelfth lash.

14. James Sweeper, Adrian, neglect of work, 25 lashes. An elderly man, had been punished before; blood flowed about the seventh lash, and at the conclusion his back was as much lacerated as some others after 50; he made a most hideous yelling at every stroke, and struggled violently; when taken down he was much exhausted.

15. Alexander M'Donald, Morley, drunk and disorderly, 50 lashes. This man never spoke or moved during his punishment, although he was severely flogged; he appeared to suffer much mental as well as bodily pain; when taken down he was very pale and weak; back much lacerated and bloody; he did not appear to have been punished before.

16. George Delbridge, York, drunk and disorderly, 50 lashes. A strong muscular man; previous to being tied up he appeared to think lightly of the punishment he was about to receive; the first lash, however, caused him to change his opinion; he groaned aloud, and let his head fall on his shoulder after every stripe; blood appeared about the 9th lash, and his back was very much lacerated at the conclusion of the punishment.

17. Felix Stokes, Nithsdale, absent without leave, 50 lashes. This man was punished with 50 lashes at the commencement of this month; on being stript there was little or no appearance of the stripes he had received; he was a mild, quiet looking man, although an incorrigible character; he bore his punishment without flinching, and although the blows were given him with as much force as on any former occasion, his back did not appear as bloody, or as much lacerated as most others who received only 25; he showed no sign of exhaustion.

18. John Richards, Lady Feversham, absent without leave, 50 lashes. Has been punished several times; when tied up on this occasion he seemed to be determined to bear the punishment with as much fortitude as his fellow servant Stokes; but he soon changed his opinion, and shrunk from every lash; his back was much lacerated and bloody; he did not show any symptoms of weakness when taken down.

19. John

19. John Hilt, Georgiana, absconding, 50 lashes. A strong, able man; at the 6th or 7th stripe blood appeared freely; he did not cry out during his punishment, but he appeared to suffer more than any man I had seen punished, and when taken down he was exceedingly weak; his back was much lacerated.

20. William Fuller, Lord Nelson, neglect and insolence, 25 lashes. Had been frequently punished at Moreton Bay, as he informed me; he requested to be punished without being tied up, which of course was not complied with; blood appeared about the 8th lash; he bore his punishment with great hardihood.

21. William Jackson, Georgiana, absenting himself, 25 lashes. This man had a soft hairy skin, and did not appear to have been flogged before; blood was drawn about the 4th or 5th lash, and his back was more lacerated than any I had previously seen; he groaned and called out repeatedly, and suffered severely; when taken down he begged my pardon, and said I should never see him there again.

22. Thomas Nailar, Isabella, refusing to work and insolence, 50 lashes. Had been a soldier and deserter, and this was not the first time he was flogged here; he was a tall athletic man, and from the alacrity he evinced in stripping, &c. I conceived he would think lightly of his punishment; I was, however, deceived; at the 4th lash he said he was going to faint, and requested some water, which revived him; he begged repeatedly to be forgiven, and seemed to suffer severely; his back was much lacerated, although but little blood appeared, and when taken down he sank on a seat completely exhausted

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Sir, Police Office, Wollongong, 2d October 1833.

In obedience to the request conveyed to me in your Circular of the 29th August last, I do myself the honour of reporting to you for the information of his Excellency the Governor:

That the standard instrument directed to be used for corporal punishment is that made use of under my direction, and having diligently attended the infliction of punishments during the last month of September, I am of opinion that if properly wielded by an efficient executioner, it is sufficient for the punishment of such offences as by the Act of Council, 3 Gul. 4, No. 3, are directed to be punished by the infliction of fifty lashes; not having seen the mode of punishment practised at Hyde Park Barracks, I am not able to state whether the manner convicts are punished in this District assimilates to it or not; the senior constable on these occasions counts the lashes, and the executioner is made to wait for each before he inflicts the blow.

I beg leave to add, that the instrument in use here is made of the best description of whip cord, the material is very hard, and twisted much better than most of such instruments I have seen in the Colony; and I am of opinion that if it was not of such superior quality it would not be adequate to inflict the required punishment with due severity.

I have the honour to be, Sir,
Your most obedient humble servant,

(signed) *F. Allman*, J. P., Police Magistrate.

The Honourable the Colonial Secretary,
&c. &c. &c.

RETURN of Corporal Punishments inflicted by Sentence of the Bench of Magistrates, *Wollongong*, from the 1st to the 30th September 1833, in the presence of the Police Magistrates.

1. James Halcup, America, insolence and neglect of work, 50 lashes. Suffered much pain, evidently caused by the effusion of blood and laceration.
2. Isaac Cole, Eleanor, absconding, 50 lashes. Ditto - ditto - ditto.
3. Henry Loyed, Mangles, absconding, 50 lashes. Ditto - ditto - ditto.

N. B.—The instrument made use of was supplied from Hyde Park, as the standard scourging cat.

Sir, Police Office, Bathurst, 3d October 1833.

With reference to your Letter No. 33-38 of 29th August, on the subject of corporal punishments by Order of the Court of Petty Sessions, wherein I am directed to superintend the punishments for the month of September, and to report thereon, I do myself the honour to transmit the monthly return, with my remarks made at the time from personal observation of each offender; and in accordance with the latter part of your communication, beg to add, that the standard instrument (which was used in every case) in size and weight, when

applied with sufficient force, would be perfectly adequate to the purpose required, if a little more attention was paid to the manufacture thereof. I have noticed that the extremities of the cords speedily become loose and open from the very slight manner in which they have been secured; this ought to be remedied, and the cord generally twisted tighter, otherwise the amount of bodily injury inflicted by bruising will be greater than intended, and that by laceration less. It does not appear to me that effusion of blood is a certain criterion whereby to determine the extent of bodily injury endured from scourging.

The mode of counting and taking due time between each lash has always been practised here.

I have the honour to be, Sir,
Your most obedient servant,

(signed) *Thomas Evernden*, J. P.
Superintendent of Police.

The Honourable the Colonial Secretary,
&c. &c. &c.

RETURN of Corporal Punishments inflicted by Order of the Court of Petty Sessions at *Bathurst*, from the 1st to the 30th September 1833, inclusively, in the presence of *Thomas Evernden*, J. P. Superintendent of Police.

1. John Murphy, Hercules, destroying his master's property, 50 lashes. Honourable Colonial Secretary's circular on the subject not received at this date (Sept. 2.)
2. William Powell, Lady Harewood, absent without leave, 25 lashes. Ditto - ditto - ditto.
3. James White, Albion, insubordination and absent without leave, 50 lashes. Much bruised, laceration and bleeding.
4. John Mahoney, Jane, making away with his slops, 25 lashes. Bruised and lacerated, but no bleeding.
5. John Thacker, Surry, neglect of duty, 50 lashes. Bruised, lacerated and blood drawn.
6. Christopher Lennings, Captain Cook, disobedience of orders, 25 lashes. Ditto - ditto - ditto.
7. George Westwood, Malabar, drunkenness and riotous conduct, 25 lashes. Ditto - ditto - ditto.
8. John Higgins, Lord Melville, drunkenness and absent without a pass, 50 lashes. Ditto - ditto - ditto, freely.
9. Samuel Jolly, Katharine Stewart Forbes, drunkenness and fighting, 25 lashes. Ditto - ditto - ditto, slightly.
10. John Callaghan, Asia, absconding, 50 lashes. Ditto - ditto - ditto.
11. John Mahoney, Jane, striking overseer and disobedience of orders, 50 lashes. Ditto - ditto - ditto.
12. Joseph Hughes, Georgiana, absconding, 50 lashes. Ditto - ditto - ditto.
13. Robert Burns, Eliza, neglect of duty, 50 lashes. Ditto - ditto - ditto.
14. William Robinson, Mary, absconding, 50 lashes. Ditto - ditto - ditto.
15. Edward Jenkins, Burrell, drunkenness and rioting, 50 lashes. Severely bruised, ditto, very little blood.
16. John Major, Katharine Stewart Forbes, disobedience of orders, 50 lashes. Ditto - ditto, blood drawn.
17. Joseph Slaughter, Katharine Stewart Forbes, disobedience of orders, second offence, 75 lashes. Ditto, much lacerated, ditto.
18. William Hopkins, Waterloo, neglect of duty, 25 lashes. Ditto, lacerated, ditto.
19. Cornelius Sweeney, Waterloo, stealing a pair of shoes, 50 lashes. Ditto - ditto - ditto, freely.
20. Robert Burns, Eliza, neglect of duty and disobedience, 25 lashes. Bruised, ditto - ditto.

N. B.—The above punishments were all properly inflicted.

Sir, Goulburn, 8th October 1833.

With reference to your Circular No. 33-38, I beg leave to inform you that I have personally superintended all corporal punishments at this station from the receipt thereof to the present date.

It does not appear to me that the standard instruments directed to be used for corporal punishments, however properly wielded, as sufficient for all such offences as by the Act of the Governor and Council, 3 Gul. IV., are directed to be punished by the infliction of fifty lashes, inasmuch as I consider the said instruments inefficient. They are made exceedingly careless; the three forwarded to this Bench from Mr. Hely's office, slipped off the handles before twenty lashes were

were inflicted; the thread whipping the ends of the cats stood no time. The cord may be sufficiently heavy, but of too soft a twist, although it bruises, bleeding but seldom is caused; consequently, the offender escapes that acute pain and smarting to the extent so desirable should be experienced under the lash. I should suggest the scourging cord to be of a much harder twist, the tails of the cats to be at least twelve inches longer, the thread whipping, the ends of the same to be waxed (in order to stand) or discontinued; it would be preferable were they to terminate in overall knots. With such alteration in the instruments of corporal punishments, if the same be inflicted under proper superintendence, I should not think the mode resorted to in the Hyde Park Barracks expedient.

I have the honour to be, Sir,
Your most obedient servant,

(signed) *L. Macalister*, J. P.

The Honourable the Colonial Secretary,
&c. &c. &c.

Sir, Goulburn, 8th October 1833.

I HAVE the honour to acknowledge the receipt of your Letter of the 26th ultimo, with reference to an article in the Sydney Herald newspaper, of the 23d ultimo, which states that a rockite or incendiary notice had been affixed upon some estate in Argyle by the convict servants, and requesting me to take measures, by inquiring amongst the magistrates and others of the district, whether the statement alluded to has any foundation in truth.

In answer, I beg to inform you that, after every inquiry, I find the said statement has no foundation in truth, as I cannot suppose it can bear any allusion to a placard that had been affixed on Dr. Gibson's farm five months since, and which was viewed as solely pointing at that gentleman and myself, but of so contemptible a nature as never to have given me a second thought.

No disposition to acts of violence or incendiarism, on the part of the convicts, has been manifested in the southern districts; nothing of the sort could take place without my knowledge.

Indeed, upon all well-regulated estates, the convicts have given as little trouble during the present, as in former years; so far as my own establishments are concerned, I can say only one of my assigned servants underwent punishment for the last nine months, and that case was for making away with his bed and bedding.

I have the honour to be, Sir,
Your most obedient servant,

(signed) *L. Macalister*,
Lieutenant Mounted Police.

The Honourable the Colonial Secretary,
&c. &c. &c.

Sir, Police Office, Parramatta, 8th October 1833.

IN compliance with instructions contained in your Letter of 29th August, I have the honour to acquaint you, for the information of his Excellency the Governor, that from the date of receiving your Letter (3d ultimo), I personally superintend the corporal punishments inflicted in this district.

The standard instruments of punishment furnished by the Principal Superintendent of Convicts' Department, has alone been used. The flagellator at this station is an athletic young man; and a pause was observed between the infliction of each lash, which was administered with due force. The effect of bodily suffering in each case will be seen by the Return which I have the honour to transmit herewith.

I beg to state, that I consider the cord of the standard instrument now in use of sufficient weight and thickness, and that the cat would be of ample severity, were the cords tied at the end in a more efficient manner with waxed silken or flaxen thread; at present they are confined by a fine cotton thread, quite unfit for the purpose. I have seldom seen more than twenty lashes inflicted by a new standard cat, before the tying has given way, and an inch and half or two inches of the end of each cord being thus loose form a flaxen tassel, which greatly

lessens its effect. To this circumstance I attribute, in a great measure, the doubt which has arisen of the efficiency of the present standard cat as an instrument of punishment.

I have the honour to be, Sir,
Your obedient servant,
(signed) *S. Wright*, J. P.
Resident Magistrate.

The Honourable the Colonial Secretary,
&c. &c. &c.

RETURN of CORPORAL PUNISHMENTS inflicted by Sentence of the Bench of Magistrates at *Parramatta*, from the 1st to the 30th September 1833, in the presence of *S. Wright*, J. P., Resident Magistrate.

1. JOSEPH TAYLOR, Speke, absconding, 25 lashes.
2. Fegus Cunningham, Lord Sidmouth, drunk and disorderly, 25 lashes.
3. Andrew Katon, Marquis Hastings, drunkenness, 25 lashes.
4. James Wheeler, Phœnix, drunkenness, 25 lashes.
5. Thomas Ford, Henry Porcher, drunk in the street at night, 25 lashes. Skin unbroken; suffering very moderate.
6. David Leary, Prince Regent, robbing a fellow prisoner, 50 lashes. Skin slightly lacerated; suffering moderate.
7. Thomas Gamble, Bussorah Merchant, robbing a fellow prisoner, 50 lashes. Skin livid colour, unbroken; ditto moderate.
8. John M'Craw, Parmelia, drunkenness and being absent, 50 lashes. Skin lacerated; ditto severe.
9. John West, Camden, disobedience of orders, 36 lashes on the breech. A boy; second offence.
10. John Hogan, Eliza, insubordinate conduct, 50 lashes. Skin unbroken, livid; suffering moderate.
11. Thos. Bolton, Guildford, absconding, 50 lashes. Slightly lacerated; ditto, moderate.
12. Joseph Towers, Mangles, absconding, 50 lashes. Skin lacerated; do., rather severe.
13. William Smith, America, threatening life of overseer, 50 lashes. Skin lacerated, slight effusion of blood; ditto, severe.
14. Andrew Katon, Marquis Hastings, threatening life of overseer, 50 lashes. Skin lacerated; ditto, rather severe.
15. Jonathan West, John, absconding, 50 lashes. Skin unbroken; suffering moderate.
16. James Smith, Countess Harcourt, pilfering, 50 lashes. Skin slightly lacerated; ditto, moderate.
17. John M'Carthy, Clyde, selling his bedding and insolence, 50 lashes. Skin slightly lacerated; ditto, moderate.
18. Edward Lathorpe, Albion, drunkenness and absent, 50 lashes. Skin unbroken, livid; ditto, moderate.
19. William M'Namara, Rosslyn Castle, drunkenness and absent, 50 lashes. Skin livid colour, unbroken; ditto, moderate.
20. Andrew Neal, Andromeda, drunkenness and absent, 50 lashes. Skin lacerated, suffering rather severe.
21. Patrick Murphy, Rosslyn Castle, drunkenness and absent, 50 lashes. Skin lacerated, ditto, moderate.
22. Daniel M'Enery, Governor Ready, absconding, 50 lashes. Skin unbroken; livid, ditto, moderate.
23. Thos. Chapman, Asia, drunkenness, 25 lashes. Skin unbroken; ditto, very moderate.
24. Hyam Alexander, John Barry, absconding, 25 lashes. Remitted; acting under his overseer's orders.
25. William Hagren, Manlius, absconding, 50 lashes. Skin lacerated, suffering rather severe.
26. William Fletcher, John, absconding, 50 lashes. Skin slightly lacerated; ditto, moderate.
27. Henry Bucknell, Earl St. Vincent, neglect of duty, 50 lashes. Skin unbroken; livid, ditto, moderate.
28. Michael Preston, Anne and Amelia, dishonest conduct, 50 lashes. Skin lacerated; ditto, moderate.
29. Benjamin Auty, Clyde, dishonest conduct, 50 lashes. Skin unbroken; livid, ditto, moderate.
30. Henry Moyer, Albion, drunkenness, 25 lashes. Skin slightly lacerated, ditto, moderate.
31. William Ryan, *alias* Wallace, Andromeda, assaulting a constable, 50 lashes. Skin slightly lacerated; ditto, moderate.
32. William Ryan, *alias* Wallace, Andromeda, absconding, 50 lashes. Skin lacerated; ditto, severe.
33. Henry Freeman, Hercules, feigning illness, 50 lashes. Skin slightly lacerated; ditto, moderate.

34. John Hancock, General Stewart, absent without leave, 25 lashes. Skin unbroken; ditto, very moderate.
35. Charles Drakeford, Layton, absconding, 50 lashes. Skin unbroken; livid, ditto, moderate.
36. Thomas Myers, Mary, absconding, 50 lashes. Skin slightly lacerated, do., moderate.
37. John Clarke, Waterloo, stealing cedar, 50 lashes. Skin slightly lacerated, ditto, moderate.
38. John Wilson, York, absconding, 50 lashes. Skin unbroken; livid, ditto, moderate.
39. Edward M'Manus, Minerva, theft, 50 lashes. Skin slightly lacerated, do., moderate.
40. Michael Jones, Guildford, theft, 50 lashes. Skin lacerated; ditto, rather severe.
41. Denis Brian, Marquis Huntly, theft, 50 lashes. Skin slightly lacerated; ditto, moderate.
42. John Drake, Morley, absconding, 25 lashes. Skin unbroken; ditto, moderate.
43. William Bedlington, Manlius, drunk and absent, 25 lashes. Skin slightly lacerated; ditto, moderate.
44. John Tracey, Sesostris, drunk and absent, 50 lashes. Skin lacerated; ditto, severe.
45. Denis Long, Governor Ready, drunk and absent, 50 lashes. Skin lacerated; ditto, severe.

Sir, Stonequarry, 10th October 1833.

Agreeably to the Order of his Excellency the Governor, contained in your Circular, I have the honour to report, that I have attended the corporal punishments inflicted from 1st to 30th September, and the accompanying Report is the result of my observations thereon.

I have the honour to be, Sir,
Your most obedient Servant,

(signed) *H. C. Antill,*
J. P. Resident Magistrate.

The Honourable the Colonial Secretary,
&c. &c. &c. Sydney.

RETURN of Corporal Punishments inflicted by Sentence of the Bench of Magistrates at *Stonequarry*, from 1st to 30th September 1833 inclusive, in the presence of *H. C. Antill*, J. P., Resident Magistrate.

1. William Parsons, Royal Admiral, neglect of work, 25 lashes. Did not suffer.
2. John Ward, Governor Ready, neglect of work, 25 lashes. Ditto.
3. William Howell, Planter, neglect of work, 25 lashes. Ditto.
4. James Farrell, Captain Cook, refusing to work, 25 lashes. Did not appear to suffer much the first 12 lashes, but more so on receiving the latter part.
5. William Court, Countess Harcourt, refusing to work (third offence), 100 lashes. Appeared to suffer after the first 25 lashes; skin very thin, but not much cut.
6. John M'Klesky, Albion, absence without leave, 25 lashes. Did not appear to suffer, the skin scarcely broken, and no blood flowing.
7. William Holland, Adrian, insolence, 50 lashes. Ditto, ditto, ditto.
8. William Seymour, Mermaid, absconding, 50 lashes. Ditto, ditto, ditto.
9. John Quinn, Guildford, absent without leave (second offence), 75 lashes. Ditto, ditto, ditto.
10. Samuel Crowder, Hercules, disorderly conduct, 50 lashes. Ditto, ditto, ditto.
11. Samuel Simpson, Norfolk, drunkenness and absence without leave, 50 lashes. Ditto, ditto, ditto.
12. James Walker, Eliza, absconding, 25 lashes. Ditto, ditto, ditto.
13. James Jones, Camden, absconding, 25 lashes. Ditto, ditto, ditto.
14. John Carty, Waterloo, absconding, 25 lashes. Ditto, ditto, ditto.
15. Edward Hughes, Atlas, gross disorderly conduct (second offence), 100 lashes. In consequence of the absence of the scourger, this punishment was inflicted at Campbelltown.

General Remarks.—I must remark that the cats were very light in the first instance, when received, and having been used for some considerable time (two only having been forwarded) they were completely unserviceable when the last men got their punishment. Those received latterly are much more severe, longer and thicker; but no punishment, in my opinion, that the prisoner receives, is equal to half the quantity inflicted in the army. On the last application for cats, I received six, in order to change them, as is done in military punishments.

In concluding these remarks, I would observe that when the chief constable was not present, I have *always* seen the punishments inflicted myself, and excepting in one or two instances, they have never been left to the charge of an ordinary constable.

H. C. Antill, Resident Magistrate.

(F.)

(Circular.)—No. 33–48.

Sir, Colonial Secretary's Office, Sydney, 16th October 1833.

In consequence of two petitions presented to the Governor and Legislative Council a few days before the Council terminated its last Session, in which petitions it was, amongst other things, stated, that the amount of punishment to which justices of the peace are empowered by the Colonial Act, 3 Gul. IV. No. 3, to sentence convicts in a summary way, was too small, and that the instrument directed to be used in inflicting corporal punishments was so inefficacious as to cause the power of the magistrates to be derided, the Governor was pleased to command me, on the 21st August last, to address a circular letter to the several police magistrates in the Colony (a copy of which is annexed), directing them to superintend personally all corporal punishments inflicted in their districts during the ensuing month of September, and to report the amount of bodily suffering which the infliction appeared to produce, when properly administered with the standard instrument issued by the principal superintendent of convicts, in accordance with the intimation given to the magistrates of the Colony in my circular letter of the 18th May last, and further to report their opinion, whether such infliction appeared to them a sufficient punishment for the offences which, by the afore-recited Act, are directed to be punished with fifty lashes.

His Excellency now deeming it important that all the justices of the peace in the Colony should be informed of the result of this inquiry, I am commanded to transmit to you copies of the letters and reports of the police magistrates which have just been received. The conclusion to be drawn from a consideration of these documents is necessarily this: that both the measure of punishment authorized by the law, and the instrument for inflicting it, are sufficient for the purpose intended. These facts are established by the quantum of suffering endured by the criminal when the punishment is *duly administered*, and by the gratifying assurance of the peaceable conduct of those persons for whose coercion the law has been passed. At Hyde Park Barrack, where punishments have been inflicted strictly according to regulation, the superintendent reports, that in many cases where 50 lashes were ordered by the Court, 25 would, in his opinion, have been a sufficient punishment; and it is suggested by this active and intelligent officer, that the sentence should be reduced. In several other districts the punishments are represented to be fully sufficient. In those where it appears to have been less effective, the cause is to be found in the disrepair of the instrument, or in the negligence, or possibly the corruption, of the executioner. Against accidents or abuses of this sort, the vigilance and superintending control of the magistrates should have provided a prompt remedy; and it is not too much to say, that it is within the power, not only of every police magistrate, but of every gentleman holding a commission of the peace in the Colony, to render the corporal punishments which he commands in due course of law, to be as efficiently administered in the place for which he acts, as similar punishments are at Hyde Park.

The sufficiency of the law, and of the instrument of corporal punishment, in all cases where proper superintendence is exercised, being thus established on unexceptionable evidence, his Excellency need hardly point out to you how inexpedient, how dangerous it would be, by any new legislative enactment, to add to the severity of either; merely because, in some instances, the wholesome rigour of the existing law has been impeded by a negligent or corrupt execution. In reading the reports which have been presented, the Governor could not fail to observe, that where punishments have been duly inflicted, the power of the magistrates has been any thing but derided. Whilst perusing those painful details, his Excellency has, indeed, had abundant reason to lament that the use of the whip should, of necessity, form so prominent a part of convict discipline in New South Wales; but believing it to be unavoidable, the Governor must rely on the activity and discretion of the magistracy for ensuring its wholesome and sufficient application.

I have the honour to be, Sir,
Your most obedient servant,
Alexander M'Leay.

(G.)

GOVERNMENT ORDER.

ASSIGNED SERVANTS.—(No. 18.)

Colonial Secretary's Office, Sydney, June 29, 1831.

THE great expense to which the Government is subjected, by the maintenance and treatment of the assigned servants of settlers, when sent into colonial hospitals, having been brought under its notice, and the attention of the Government having also been called to the expense to which His Majesty's Treasury has been subjected in keeping up an extensive constabulary, a great proportion of whose time has been employed in conducting the servants of settlers from Sydney to their masters in the interior, and taking others back, who, from misconduct or from other circumstances, are returned to the Government, the following regulations have been laid down in these cases respectively; viz.

1. That the master shall pay at the rate of 1*s.* a day for the time his servant shall be in the hospital, to the extent of 30 days. Should the servant continue under treatment for any longer period, the master will not be required to make any further payment.

2. That the persons who send their servants into any of the hospitals, shall appoint an agent on the spot to take them away as soon as they are recovered, and unless they be so taken away, they shall be considered as immediately assignable to other parties, in order to prevent the hospital from being improperly burthened with men who do not require treatment.

3. That all persons to whom convicts shall be assigned, shall send for them to Sydney, or to such other place as they shall be assembled at; for example, the men to be assigned from *road parties* will be collected at or near the stations of the assistant-surveyors of roads:

(1.) At Parramatta.
(2.) At Colletts', on the Bathurst Road.
(3.) At the station of the assistant-surveyor, on the Maitland Road.
(4.) At Bong Bong.

4. That if the party to whom a prisoner is assigned should fail to send for him, the prisoner will be assigned to some other person; and in order to prevent a recurrence of the inconvenience which must be experienced in such cases, the master will not be considered as an eligible candidate for servants in future.

5. That in order to avoid disappointment, it is suggested that persons residing at a distance applying for servants who may be assigned in Sydney, should appoint an agent, whose name and residence should be stated in the application, to receive at the time any men who may be assigned to them.

6. That as all convicts who are assigned immediately on their arrival from England and Ireland are supplied with a complete suit of new clothing, and as it is only reasonable that the person having the benefit of the convicts' services should be at the expense of this clothing, the assignees of all such convicts will henceforth be required to pay 20*s.* for the clothing so furnished at the time of receiving the men.

The Government has further been induced, as well with a view of protecting those masters who act with liberality towards their servants, from the complaints of the discontented and ill-disposed, as to insure to all assigned servants a due proportion of food and clothing, to lay down the following regulations for the supply of these necessaries:—

Rations.

7. The weekly ration is to consist as follows; viz.
Twelve pounds of wheat, or nine pounds of seconds flour; or, in lieu thereof, at the discretion of the master;
Three and a half pounds of maize meal, and nine pounds of wheat, or seven pounds of seconds flour; and
Seven pounds beef or mutton, or four and a half pounds of salt pork;
Two ounces of salt;
Two ounces of soap.

Any articles which the master may supply beyond those above specified, are to be considered as indulgences, which he is at liberty to discontinue whenever he may think proper.

Clothing.

8. The clothing which assigned servants will be entitled to annually is to consist of
Two frocks or jackets;
Three shirts;
Two pair of trowsers;
Three pair of shoes;
One hat or cap; and is to be issued as follows; viz.

On the 1st of May in each year,

One woollen jacket, of Parramatta or strong English cloth;
One pair of woollen trowsers, ditto, ditto;
One shirt;
One pair of shoes;
One hat or cap.

On the 1st of August,

One shirt;
One pair of shoes; and

On the 1st of November,

One woollen or duck jacket;
One pair of woollen or duck trowsers; } as may best suit the age and state of health of the servant during the summer season.
One shirt;
One pair of shoes.

The shirts are to be of strong linen or cotton, and the shoes of stout and durable leather.

Each man is to be kept constantly supplied with *at least* one *good* blanket and palliasse or wool mattress, which are to be considered the property of the master.

9. In the event of a man being assigned who shall have been clothed by the Government at any time within two months previous to the general issue on the 1st of May, his master will not be required to supply him with any clothing until the 1st of August, and then only with those articles which are specified for that day. In like manner, the master of any servant clothed by the Government between the 1st September and 1st November, shall only be required to issue to him a shirt and a pair of shoes on the 1st of February following; but after those dates respectively, the several articles enumerated must be regularly supplied at the established periods.

10. Persons who do not comply with these regulations, which are founded on just and equitable principles, as they reciprocally apply to the Government, the settler, and the assigned servant, cannot be allowed the indulgence of having convicts assigned to them thereafter.

By command of his Excellency the Governor,

Alexander M'Leay.

EXTRACTS of a DESPATCH from Lieutenant-Governor *Arthur*, addressed to Mr. Secretary *Stanley*, dated Government House, Van Diemen's Land, 4th February 1834.

I HAVE the honour to acknowledge your Despatch of the 16th August last, in which, after a very careful consideration of the general question of Secondary Punishments, you have been pleased to develope the views entertained by His Majesty's Government in respect to transportation, to which punishment, for reasons to my mind quite unanswerable, you have decided to adhere rather than adopt the Penitentiary system of America.

Having arrived at this decision, it is your determination to render transportation more formidable; and it being your opinion that the operation of the severe measures pursued towards the comparatively few convicts who have been removed to Macquarie Harbour, produces but little effect upon their companions in crime in England, when they contemplate the lot of by far the greater number of convicts who are assigned to the settler, and the comparative ease and freedom from restraint which they enjoy, you have considered what measures can be adopted to impose a heavier weight of punishment upon *all* those who are transported; but whilst it appears to be the inclination of your mind, that, but for economy, all newly arrived convicts should, without exception be sent to labour in the public works, and that every relaxation should be the result of long perseverance in good conduct, you have limited your present instructions to two classes of offenders; viz. those who shall be sentenced in England to transportation for life and confinement at some *penal settlement*, and those who shall be sentenced to transportation for life and to the *chain gangs*.

I have also received Mr. Hay's Letter of the 10th September, directing in furtherance of your decision, that 16 criminals, who have arrived by the Southworth, shall be placed in the second class, and worked in irons for seven years.

The commands laid upon me you may be assured will be carried into full effect; but encouraged by the kind forbearance with which I have been hitherto permitted to express my sentiments to His Majesty's Secretary of State, I shall venture

venture to intrude some remarks which have occurred to me after a very careful deliberation upon all your statements, and the deductions you have drawn from them in the important Despatch now before me, and which I caused this day to be read and considered in the Executive Council.

. . . . . .

Although it is very apparent that you were in August last under the impression that the discipline of the convicts generally is not of sufficient severity, yet it has afforded me great satisfaction that you have resolved not to abandon transportation, and that your first measures for adding to the weight of punishment upon criminals, is limited as to the *number* at least, who will be affected by them.

I should hope that the passing of sentence of transportation, and of hard labour in chains, at Tasman's Peninsula, or Norfolk Island, upon culprits of the very worst and most daring character, will be attended with a beneficial effect upon such of the crime class in England, as can be arrested in their career of vice by terrors of any kind. But, then, from the nature of the punishment you propose, and the expense of maintaining any number of such a class at the Penal Settlements, in addition to the still more degraded and hardened outcasts, who are removed to them from amongst the mass of convicts in these colonies, it may be hoped the number will be small. A still more extensive benefit, however, will be the result of *every* culprit receiving from the bench the sentence of transportation and hard labour, although I do trust that, generally, the hard labour may be permitted to be in the first instance in the service of the settlers.

It is possible that your view is quite correct, and that, at least for a limited period, the working of all newly arrived convicts in the public works, would augment the terror of transportation; but laying aside the consideration to which you advert, of the importance of convict labour to the settlers, and the expense of throwing so many convicts upon the hands of Government, if this mode of proceeding should prove, as I have no doubt it would, far less *reformatory*, what would be the result? The community would in a very few years be in a most demoralized and degraded state. Then indeed Van Diemen's Land would be "a community of convicts," and the face of the country would be overrun and devastated by felons illegally at large.

Troops are essentially requisite to overawe and control the whole of these outcasts; but it is only by means of the police, composed of convicts judiciously selected, that felons can be thoroughly kept in order.

Looking at the question, therefore, even as it regards the interests of Great Britain alone, the highest probability exists that the end proposed would not be answered. But, although I most readily admit that the interests of the mother country are the grand objects to be provided for, yet the reformation of the culprits, and the welfare and tranquillity of the colony must be considered, indeed cannot be disregarded; and both these would be, I feel most firmly assured, sacrificed, if all convicts, without distinction, were, as you seem to contemplate they should be, subjected to hard labour in the public works on their debarkation, and detained therein for such a definite period as seven years.

The mischief which you have determined to control, I apprehend to be this: that the punishment to which the transported convict is subjected in this colony has not heretofore been of a character sufficiently severe to deter, by its terrors, others from the commission of crime in England; and to effect this chief end of penal retribution, your measures are directed, and you are prepared to carry them through at a very great sacrifice of expense. It is my duty to affirm to you most positively that the mischief by no means exists to such an extent as you have been led to believe, and consequently that such *extreme* measures as you have in contemplation are not called for. Whilst certain persons giving full scope to their imaginations, and taking it for granted that things must be as they *were* formerly represented to have been, expatiate both in Parliament and through the press upon the inefficiency of transportation, and the unrestrained and cheerful course of life enjoyed by convicts, apparently not aware that by the dissemination of their opinions they were most injudiciously extending, if not actually creating the very evil of which they complain, by filling the minds of the crime-class with notions, which in reality have all the effect of rendering transportation inoperative to a very extensive degree. I hope you will allow me to carry you beyond their erroneous superficial views to the very root of the matter, to point out to you briefly what the condition of the convict is, wherein the defects of transportation exist, and what are the proper remedies, in my judgment, to remove them without incurring

incurring such an expenditure as your contemplated measures must unavoidably involve.

You will not, I am sure, believe that I am capable of intentionally misleading His Majesty's Government, but I presume thus far, that I have a better practical knowledge of the question, that, during a very long responsibility I have endeavoured to make myself personally and thoroughly acquainted with it, that it has been my unceasing object to render transportation a *preventive* as well as a reformatory punishment, and that, notwithstanding the difficulties with which I have had to contend within the colony from a want of efficient measures at my command, and without, from the force of the widely circulated opinions adverse to transportation, I have reason to know that the attempt has not been wholly unsuccessful, and I have no doubt that it will *entirely* be successful so far as any mere punishment can be, if His Majesty's Government will adopt all necessary measures at home, and will sanction such an expenditure as is *essential*: and if you, Sir, will, by your voice in Parliament, combat the prejudice by declaring what transportation to Van Diemen's Land is, and that you determine it shall be a punishment of the severest kind; that the criminal in place of finding that he was about to work out his own happiness and future prosperity, will to his sorrow discover that he had brought upon himself permanent degradation, and the bitterest form of slavery.

To carry into effect your declared intention, I would recommend that the law of transportation should be altered and amended, that every sentence should be for a period of at least fourteen years; and that hard labour in or out of chains should form an integral part of the sentence; the conviction should also, in practice, as well as in law, work the absolute forfeiture of all the felon's property, which to prevent fraudulent conveyances should be attachable from the period of his *committal*: this would be found to reach with great effect the whole class of receivers. The criminal, even *after* the *expiration of his sentence*, should be divested of certain civil rights, for instance, he never should be deemed eligible to sit as a juror.

I would also strongly recommend that sentence of transportation should never be commuted for any lighter punishment; but that, unless doubts were entertained of the legality of the conviction, or of the criminal's guilt, the law should invariably take its course.

If all this be done at home, an aggravation of the severities of convict discipline in this colony will not be necessary, except in particular instances. The whole of the crime class indeed, which comprehends between three and four thousand of the most daring offenders, should be made to feel, for longer periods than economy has hitherto permitted, the consequences of their renewed atrocities perpetrated in this colony. This is the class upon whom I would have the full weight of the law to fall with its utmost severity, rather than upon convicts generally upon their first deportation.

The view I take upon this subject is, perhaps, the more worthy of attention, from a consideration of the situation in which we are now placed. As soon as I was aware of the sentiments entertained by His Majesty's Government, from a perusal of the Report of the Select Committee upon Secondary Punishments, transmitted for my information by the Secretary of State, I conferred frequently with the Chief Police Magistrate upon the subject, and suggested to him, though aware of the additional expense the measure would occasion, that the worst class of criminals should be subjected to hard labour for much longer periods in the chain gangs and on the roads, and that this punishment should be substituted as much as possible for flagellation. This was put into execution towards the termination of the year 1832, and continued throughout 1833, under the direction of free superintendents instructed to carry the Government Regulations strictly into effect, so far as was consistent with that degree of forbearance, and that regard to health and strength, which in a civilized country must always receive a necessary degree of attention. So that your Despatch has reached me at a moment when I can with confidence report that your wishes have been largely anticipated; and when the measures which you would desire to have acted upon are to so great an extent already in operation, that it is in my power to offer some observations upon them drawn from experience.

The Penal Settlement of Port Arthur, the Chain Gangs, Road Parties and the Public Works, are now, strictly speaking, situations of severe punishment and deprivation to all the crime class in the colony, and each of these grades of punishment is so far dreaded by the culprits, as to effect nearly all that, in my judgment,

judgment, can ever be expected to result from the sternest severity, for there is a point beyond which it is impossible to carry punishment with any salutary effect; if it be so long protracted, or so severe as to create apathy, the end is defeated; for so soon as the mind is rendered inactive, the mere animal only allowed to exist, and hope and fear equally subdued, there is every reason to conclude, that neither correction nor prevention will be the result. I would therefore, with submission, throw it out for your consideration, whether the period of seven years servitude in chains is not too long. The convict whose former pursuits have accustomed him, like a child, to look to the present moment only, cannot be expected to make any calculation in reference to a duration of seven years, or to form any hopes on their expiration sufficiently strong to influence his feelings, or actuate his conduct in the interim; and is it not reasonable to suppose that he will in consequence give himself up as lost, and reduced to a state of apathy refrain from making even a single effort towards reformation. . . . . .

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I have assured you that the statements which have been urged at home, as to the condition and circumstances of the convicts, have been exaggerated in the highest degree; it is however undeniable, that some part of this general deception has its origin in particular truths. The admission of convict writers to the public offices, and the employment of other convicts involving some degree of trust, has been a most baneful measure. It has been a link which has united the bond with the free, and raised some to a degree of importance inconsistent with their condition. The ill-judged economy which originated this injurious system, from which transportation is suffering in England even in the present day, it is most satisfactory to me, that you have determined to put an end to entirely; as well as to provide for the punishment of unreformed culprits on the roads and in chain-gangs, rather than to require that they should be assigned to settlers.

Assignment has, no doubt, as regards some particular individuals whose cases should have formed an exception to the general rule, been carried too far; but I would observe, it involves reformation as well as economy; and although if the mother country only were to be considered, and economy made altogether a secondary consideration, *it may be a question* whether it should ever be had recourse to in the first instance; yet considering the interest of this community is most deeply involved in the reformation of the convicts, I am sure if the end proposed, viz. The suppression of crime in England, can, *so far as punishment can accomplish it*, be obtained by means not inconsistent with the welfare of the colony, you will not be disposed to involve the transport in such misery as will render him hopeless and callous, and ready whenever the eye of the overseer is withdrawn, to rush, through mere recklessness, into the commission of outrages upon the peaceable part of the community.

. . . . . .

Gaols, lock-up-houses, and an increase of the police establishment, are recommended by the Council. Some of the buildings *must* be undertaken, before I can be honoured with your commands; but I think by means of convict discipline itself, all that is most essential may be accomplished at an inconsiderable expenditure. A gaol in the centre of the island was approved many years ago by the Secretary of State; but I concur with the Council, that in place of one large building, it will be better to have two upon a smaller scale, the one at Oatlands, and the other at Campbell Town; as in moving the convicts when in custody through the colony, escapes have been very frequent of late. Cells also, for solitary confinement *for short periods*, are exceedingly wanted in the interior.

The adoption of half measures will defeat your end, and lead to additional expense here without producing a *positive* and perceptible benefit at home by the diminution of crime; but you may rely upon it that no expense shall be incurred that is not essential to convict discipline, and I will, at an early period after my return from a tour of inspection of all the chain gangs and road parties, forward a map of the Colony, describing all the police stations, together with the sites of the proposed gaols, &c. The great body of the convicts in assigned service are conducting themselves in a most orderly manner, and as several individuals who have lately visited this colony are returning to England, I think you will collect such a mass of evidence of the effects of the system pursued as cannot fail to be satisfactory to you. I calculate in round numbers that there are about 4,000 most daring miscreants, who appear to defy the punishment with which they have hitherto been visited, and whether they will be reclaimed by the measures now

in progress, I dare not anticipate; at all events, I am very certain that Great Britain is most happily relieved of them.

In conclusion, I beg to assure you, that every exertion will be made to carry into effect the instructions of His Majesty's Government. The question of transportation is a most important one to the moral condition of England, and I have taken very deep interest in its success as a preventive punishment; nor have I been less anxious that it should prove reformatory, and my only desire is that in the view in which you have considered the matter in the Despatch to which I have now the honour to reply, you will place at my disposal the means of giving full effect to the measure, and of demonstrating that it is the very best secondary punishment to which His Majesty's Government can resort.

Council Office, 11th February 1834.

AN ABSTRACT of the Recommendations of the Executive Council for increasing and rendering efficient the POLICE FORCE and POLICE STATIONS in *Van Diemen's Land*, between the 15th October 1832 and the 11th February 1834.

1. Resident Police Magistrates to be appointed to

Circular Head	This has been acted upon.
Hamilton	This has been acted upon and reported.
Constitution Hill	A military officer has been placed in the commission of the peace at this station.
Westbury	A military officer should be, if one could possibly be found eligible, put in the commission of the peace at this station.
Grasstree Hill	The same observation applies to this station.
Perth	This is at present partially provided for.

2. A Military and Police Station at St. George's River — This is very necessary.

3. The appointment of Division, District, and Petty Constables:

1 at O'Brien's Bridge 1 at Glenarchy 1 at Fingall 3 at Burne Island	This appeared urgently necessary, and has been acted upon.
32 for the interior generally	The increase of the police seems quite necessary to this extent, but it may be done gradually.
30 for Hobart Town, in lieu of 33 watchmen	This is very essential; the watchmen are under less control than the police.
The mounted Police to be considerably increased, and sworn in as Constables	I concur with the Council, that some increase of the mounted police is now essential, but I would not considerably augment the number.

4. Substantial stone Gaols to be built at

Oatlands and Ross	This is highly important; Campbell Town will be a better situation, however, than Ross.

Temporary Gaols to be built, or thoroughly repaired, with solitary cells, at

Green Ponds Jericho Sorell Springs Epping Forest New Norfolk Brighton Bothwell Hamilton Jerusalem Bottom	These are of great importance in perfecting discipline amongst the convicts, both on the hands of Government and in assignment.

5. Watchhouses

5. Watchhouses and Boxes: 2 at Hobart Town - -	Very necessary.
6. A Barrack, to embrace classification and solitary confinement, to be erected at Port Arthur - -	This, which would more properly be denominated a Gaol, is highly important, the whole peninsula being admirably calculated for a Penal Settlement.

EXTRACT from the MINUTES of the EXECUTIVE COUNCIL, on the 3d day of February 1834.

Present:

His Excellency the Lieutenant Governor,
His Honor the Chief Justice,
The Senior Officer of His Majesty's Land Forces,
The Senior Chaplain,
The Colonial Secretary,
John Gregory, Esquire.

READ a Despatch from the Secretary of State to the Lieutenant Governor, dated 26th August 1833, upon the subject of secondary punishments, and communicating the decision of His Majesty's Government as to the course to be pursued in future in the control and discipline of the convicts transported to this Colony from Great Britain. After very fully discussing the system proposed in Mr. Stanley's Despatch, the Council were of opinion, that if the measures therein contemplated were carried into effect, it would so completely destroy the existing plan of gradations of rewards and punishments, as shortly to render both useless, either for the purposes of reformation or discipline. The members were of opinion that long continued punishments, without a prospect of relief, however improved might become the conduct or disposition of the sufferer, would have a most pernicious effect, and would drive men to desperation, and be the occasion of a very great increase of crime by the prisoner population. An instance of a system of a long and certain continuance of punishment, producing such effects, had been experienced at Macquarie Harbour, where the periods of punishment were much shorter, and not more severe than Mr. Stanley contemplated introducing. In the present state of the colony, it would not be practicable to carry the system to the extent proposed by Mr. Stanley; for without a very considerable augmentation of the military force, the road and chain gangs could not be sufficiently guarded to prevent escape into the woods, and enforce hard labour, as the number of these gangs would rapidly increase, and the men would remain in them for so many years.

The Council were of opinion that it would be advisable to submit these considerations to Mr. Stanley, and to caution the Home Government against the introduction of such a system, without, at all events, placing a sufficient military force at the disposal of the local government for carrying them into operation.

SECONDARY PUNISHMENT.

(AUSTRALIA.)

FURTHER CORRESPONDENCE

ON THE SUBJECT OF

SECONDARY PUNISHMENT.

Ordered, by The House of Commons, *to be Printed,*
14 *August* 1834.

614.

SECONDARY PUNISHMENT.

(NEW SOUTH WALES AND VAN DIEMEN'S LAND.)

RETURN to an ADDRESS of the Honourable The House of Commons, dated 7 June 1841;—*for*,

COPIES or EXTRACTS of any CORRESPONDENCE between the Secretary of State and the Governor of *New South Wales* and *Van Diemen's Land*, on the Subject of SECONDARY PUNISHMENT.

(Mr. Vernon Smith.)

Ordered, by The House of Commons, *to be Printed*, 15 *June* 1841.

SCHEDULE OF PAPERS.

NEW SOUTH WALES.

No.		Date.	Subject.	Page.
1.	Lord Glenelg to Sir G. Gipps	6 July 1838	Transmitting Copy of Despatch from the Lieutenant-Governor of Van Diemen's Land, enclosing various Documents on the subject of Convict Discipline	1
2.	Sir G. Gipps to Lord Glenelg	29 March 1839	Reply to preceding Despatch; reporting the extent to which the Recommendations as to the improvement of the Convict Discipline have been carried into effect; Reasons why they have not been more fully complied with	2
3.	Lord John Russell to Sir G. Gipps	23 Oct. 1839	Reply to preceding Despatch; Approval of the observations contained therein; that further Instructions will shortly be sent on the subject of Convict Management	3
4.	Sir G. Gipps to Lord Glenelg	29 May 1839	Furnishing Answers to Queries on the means of employing Juvenile Offenders; that there will be no difficulty in finding employment for either sex	3
5.	Sir G. Gipps to Lord Glenelg	1 July 1839	Reporting Preparations for abandoning Moreton Bay as a Penal Settlement, and throwing the District open to Settlers	7
6.	Sir G. Gipps to the Marquess of Normanby.	23 Nov. 1839	Respecting the Discontinuance of Transportation to New South Wales, and increase of the Establishment at Norfolk Island; progress made under the new System; impression produced in the Colony on the announcement of the Changes in the system of Convict Management	8
7.	Lord John Russell to Sir G. Gipps	3 June 1840	Approving the Appointment of Captain Maconochie to the charge of the Convict Establishment at Norfolk Island, and of the course pursued for giving effect to the New System	12
8.	Lord John Russell to Sir G. Gipps	6 July 1840	Reply to Despatch of 23 Nov. 1839, containing Instructions for carrying out the New System for the Management of Convicts	13
9.	Sir G. Gipps to Lord John Russell	24 Feb. 1840	Reporting the Departure of Captain Maconochie for Norfolk Island, and the consequent Arrangements	15
10.	Lord John Russell to Sir G. Gipps	8 Aug. 1840	Acknowledging receipt of preceding Despatch, and signifying the Approval of Her Majesty's Government of the Appointments and Arrangements made for the Convict Establishment at Norfolk Island	16
11.	Sir G. Gipps to Lord John Russell	25 Feb. 1840	Enclosing various Papers from Captain Maconochie on Convict Discipline at Norfolk Island	16
12.	Sir G. Gipps to Lord John Russell	27 Feb. 1840	Transmitting an account of King's Island in Bass's Straits	28
13.	Sir G. Gipps to Lord John Russell	29 Feb. 1840	Forwarding Correspondence with the Deputy Commissary-General, on the subject of providing Food for an increased number of Convicts at Norfolk Island	37
14.	Sir G. Gipps to Lord John Russell	1 March 1840	Requesting his Lordship's decision on several points relating to Norfolk Island	38
15.	J. Stephen Esq. to S. M. Phillipps, Esq.	23 July 1840	Transmitting Copies of certain Despatches from the Governor of New South Wales, on the system of Convict Discipline, to be laid before the Marquess of Normanby; that it appears to Lord John Russell that Norfolk Island is the best place for the experiment	39
16.	Lord John Russell to Sir G. Gipps	10 Sept. 1840	On the same subject	39
17.	Sir G. Gipps to Lord John Russell	28 Feb. 1840	Enclosing Plans, Reports and Estimates for building Prisons, &c. at Norfolk Island	40
18.	Lord John Russell to Sir G. Gipps	9 Nov. 1840	Reply to preceding Despatch, enclosing Report of the Home Inspectors on the Plans, &c. for building Prisons in Norfolk Island; that the Lords of the Treasury are prepared to sanction the Expenditure, and the Works may be commenced	48

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NEW SOUTH WALES.

— No. 1. —

No. 1.

(No. 147.)

COPY of a DESPATCH from Lord *Glenelg* to Governor Sir *George Gipps*.

For Sir J. Franklin's Despatch, 7 October 1837, No. 104. *vide* Papers ordered by the House of Commons to be printed, 26 April 1838, No. 309, p. 1.

Sir, Downing-street, 6 July 1838.

I HAVE the honour to transmit to you the copy of a despatch from the Lieutenant-governor of Van Diemen's Land (7 October 1837, No. 104,) enclosing various reports and opinions from the principal officers of the government on the subject of convict discipline. I also enclose a copy of a despatch which I have addressed, in reply, to Sir John Franklin (6 July 1838, No. 318,) and you will take the necessary measures for giving effect to the recommendations of that officer, which you will perceive have been adopted by Her Majesty's Government.

I have, &c.
(signed) *Glenelg.*

Enclosure in No. 1.

(No. 318.)

Sir, Downing-street, 6 July 1838.

Encl. in No. 1.

I HAVE received your despatch No. 104, of the 7th October 1837, inclosing certain reports and opinions which you had received on the subject of convict discipline in the colony under your government.

Despatch, 7 Oct. 1837, ordered by the House of Commons to be printed, 26 April 1838, No. 309.

I communicated a copy of that despatch and of its enclosures to the Secretary of State for the Home Department.

It is not my purpose at present to enter into the various questions raised in these reports, but there are some suggestions contained in your despatch which appear to call for immediate adoption:—

1. That all convicts, before being assigned, should be coerced in gangs under the immediate control of the local government, these gangs to be kept separate from what are now considered the "punishment gangs," consisting of criminals twice convicted.

2. The discontinuance of the system of assigning convicts "to be employed for the purposes of luxury, or as domestic servants." The condition of domestic servants, you observe, is better than that of ordinary field labourers, and it is that diversity which renders the assignment an unequal punishment. One effect of this measure would be to discontinue, to a great degree, the residence of assigned convicts in towns, and a relief would be afforded to the emigrants from some discouragement which attaches to their present condition in the colony.

3. An obligation for convicts in assignment to wear some distinguishing badge; and,

4. A modification of the present system of tickets of leave.

After the fullest consideration, Her Majesty's Government have come to the determination that whatever changes may hereafter be considered advisable, with regard to transportation, the alterations which you have proposed should be immediately carried into effect.

I have addressed a similar instruction to the governor of New South Wales.

I have, &c.
(signed) *Glenelg.*

Lieutenant-Governor
Sir John Franklin.

NEW SOUTH WALES.

No. 2.
Sir Geo. Gipps to Lord Glenelg, 29 March 1839.

—No. 2.—

(No. 60.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Glenelg*.

My Lord, Government House, Sydney, 29 March 1839.

I HAD the honour, on the 18th December last, to receive your Lordship's despatch, No. 147, of the 6th July 1838, in which I was directed to carry into effect certain measures for the improvement of convict discipline, which had been recommended to your Lordship by the Lieutenant-governor of Van Diemen's Land, in his despatch of the 7th October 1837.

For Sir J. Franklin's despatch, 7 October 1837, *vide* Papers ordered by the House of Commons to be printed, 26 April 1838, No. 309, p. 1.

I now propose to report to your Lordship the extent to which these recommendations have been carried into effect in this government, and the reasons why they have not been more fully complied with.

1. The first recommendation, which was that convicts on their arrival in this colony should be coerced in government gangs, distinct from what are called "punishment gangs," has been carried into full effect; the minimum term of employment in the service of government being fixed at six months.

2. The discontinuance of the system of assignment of convicts to be employed as domestic servants, or for the purposes of luxury. This also has been carried into full effect; no convicts having been assigned for such purposes since the commencement of the present year.

3. An obligation for convicts in assignment to wear a distinguishing badge. This is not yet carried into effect, for as this measure is one which has been adopted on the recommendation of the Lieutenant-governor of Van Diemen's Land, I have thought it only proper to wait until it shall first have been put in force in that colony, in order that I may adopt the same badge and preserve the uniformity which it is desirable, as far as circumstances will admit, to maintain in the treatment of convicts in the two colonies. I have informed the Lieutenant-governor that I wait only a communication from him to carry your Lordship's instructions into effect.

4. A modification of the present system of tickets of leave. This recommendation has not yet been carried into effect, and I regret the more my inability to accomplish it, because I entirely concur in the views which Sir John Franklin entertains on the subject. Your Lordship must however be aware, that whilst the statute of the 2d & 3d Will. 4, c. 62, which has been so often complained of by this government, remains unaltered, it is quite beyond the power of any local authority to legalize the holding of property by convicts, or to give to convicts the indulgence even of a minor ticket of leave, who have been in the colony less than four, six, or eight years, according as their sentences are for seven, or 14 years, or for life.

Having thus stated to your Lordship the extent to which I have been able to carry into effect the orders conveyed to me by your Lordship's despatch of the 6th July last, I trust I may be excused if I venture to make a few observations upon each of the four propositions in question.

1. With respect to the coercion of convicts for a limited time after their arrival in government gangs, I beg distinctly to assure your Lordship that I entirely concur in the propriety of the principle which is involved in your Lordship's instructions; unfortunately, however, in practice, from the want of proper means of superintendence, and the impossibility of rendering the coercion of convicts in government gangs effective, much of the good is lost which might be expected from it. Before I left England, I had the honour to propose to your Lordship the employment of two companies of sappers and miners in the superintendence of public works; but from your Lordship's despatch of the 23d March 1838, No. 91, I am led to apprehend there is but a small prospect of my obtaining them. I regret also to inform your Lordship that Major Barney, the commanding engineer, who has the chief control over the labour of all convicts in government employment, has reported to me officially, that the system of control by soldiers of the line, established by my predecessor, is (he is forced to acknowledge) a complete failure. For the same reason, that is the want of competent superintendence, I have found myself unable to attempt the carrying into effect of many of the views of Captain Maconochie, as developed in the various papers submitted by him to Her Majesty's Government, and more recently explained by himself, in a book published by him in Van Diemen's Land, though to a very great extent I approve of his suggestions.

2. With

2. With respect to the discontinuance of assignment for domestic service, or for the purposes of luxury, and in towns. On this subject I beg respectfully to refer to my own despatch of the 8th October 1838 (No. 158), by which your Lordship will perceive that I had anticipated, and even gone beyond the orders communicated to me by your Lordship's despatch of the 6th July last.

3. On the subject of a convict badge, I beg to assure your Lordship that no exertion shall be wanting on my part to carry into effect the instructions which I have received, as soon as I learn the way in which they have been acted upon by the Lieut.-governor of Van Diemen's Land; but at the same time I think it due to myself respectfully to observe, that it is a measure of which I very much doubt the propriety. The regulations for wearing the badge being once established, penalties must of course be imposed for the disuse of it, and thus a new class of conventional crimes, not involving moral delinquency, will be established, leading of course to increased punishments. The best men will be those who feel most the degradation of the badge, and who therefore will be most inclined to disobey orders by the disuse of it; and as they will probably be often encouraged to do so by their masters, the government will be brought into fresh collisions with the very persons to whom it ought to look for support in carrying its regulations into effect. Although assignments for purposes of luxury are discontinued, the convicts for merly assigned for such purposes have not been withdrawn. The domestic servants, grooms, coachmen, and footmen of the gentlemen of greatest wealth and of most importance in the colony, are still convicts, and it will certainly require all the power of government to enforce the wearing of a convict badge over their liveries.

4. A modification of the orders now in force respecting tickets of leave. I have already stated, that I feel most anxious to be in a position to carry these alterations into effect, but that so long as the statute I have alluded to (2d & 3d Will. 4, c. 62,) remains in force, it appears to me impossible to do it, to any extent that can be beneficial.

I have, &c.
(signed) *Geo. Gipps.*

— No. 3.—

(No. 18.)

No. 3.
Lord John Russell to Sir Geo. Gipps, 23 October 1839.

Copy of a DESPATCH from Lord *John Russell* to Governor Sir *George Gipps*.

Sir, Downing-street, 23 October 1839.

I have the honour to acknowledge the receipt of your despatch, No. 60, of the 29th March last, reporting the extent to which you had been able to carry into effect the instructions conveyed to you in Lord Glenelg's despatch, No. 147, of the 6th July 1838, on the subject of the improvement of convict discipline.

I beg to express to you my thanks for the detailed observations on this subject contained in your despatch, and to apprise you that you will shortly receive further instructions from me on the subject of convict management.

I am, &c.
(signed) *J. Russell.*

— No. 4.—

(No. 86.)

No. 4.
Sir Geo. Gipps to Lord Glenelg, 29 May 1839.

Copy of a DESPATCH from Governor Sir *George Gipps* to Lord *Glenelg*.

My Lord, Government-house, Sydney, 29 May 1839.

1 May 1839. No. 1.

I have the honour to enclose herewith answers to the queries which accompanied your Lordship's circular despatch of the 20th May 1838, respecting the means of finding employment in New South Wales for young persons who may have been detected in the commission of crime in Great Britain and Ireland.

Your Lordship will be satisfied by these answers that there will be no difficulty in finding employment for juvenile offenders of either sex, but especially for boys, should Her Majesty's Government decide on sending them to New South Wales.

 The

NEW SOUTH WALES.

The government establishments in this colony may offer, perhaps, some facilities for the management or disposal of juvenile offenders which are not to be found elsewhere; but I nevertheless must avow, that it appears to me very doubtful whether a convict colony be adapted to the purpose which the Government has in view with respect to them. It is much to be feared that, though called apprentices, they will for the most part be associated with and treated as convict servants, and that in fact apprenticeship in New South Wales will be found to differ but little from assignment.

27 May 1839. No. 2.

Your Lordship is aware that the practice has long prevailed of transporting boys to New South Wales. I enclose a return of the numbers which have arrived, and been assigned to private service, in each of the last six years; also a copy of the government regulations respecting the mode of assigning them.

18 March 1833. No. 3.

In connexion with this subject it may not be improper to inform your Lordship that both boys and girls from the orphan schools in the colony are placed out as apprentices, under an Act of Council passed in the year 1834, (5 Will. 4; No. 3): about 30 boys have been apprenticed in each year since the passing of this Act; and though they are I fear in too many cases allowed to mix with and to be little distinguished from convict servants, their general conduct has been satisfactory. The greater part of the boys are apprenticed to mechanics and tradesmen, and the demand for them is always greater than can be supplied; girls from the Female Orphan School are apprenticed in the same way, and though the demand for them is not so great as for the boys, there is no difficulty in disposing of them.

I have, &c.
(signed) *George Gipps.*

Encls. in No. 4.

Enclosures in No. 4.

(No. 1.)

ANSWERS to the QUERIES which accompanied Lord *Glenelg*'s Circular Despatch to Sir *George Gipps*, dated 20th May 1838.

Questions.	*Answers.*
1. What are the kind of skilled labourers most needed and valuable in the colony?	Carpenters, blacksmiths, and generally all mechanics are in demand; shoemakers and tailors very much so.
2. What is the average rate of wages paid or such labourer?	From 5*s.* to 8*s.* per diem.
3. Is it redundant, or could the market usefully absorb any and what number of additional hands?	Very considerable additional numbers could be employed.
4. What is the average rate of wages paid for unskilled labour?	3*s.* to 4*s.* 6*d.* a day in the towns; in the country 15*l.* to 20*l.* per annum, with rations, lodging, and fuel for themselves and families.
5. Does the supply of unskilled labourers meet the demand, or is it materially deficient?	It is very short of the demand, especially in regard of domestic servants.
6. Is the demand for such labour steady, or is it likely to be materially increased or diminished within the next few years?	Not likely to diminish; in all probability will vastly increase.
7. What sums might an unskilled labourer without family earn yearly?	An agricultural labourer, without family, 21*l.* to 30*l.*, with rations and lodging.
8. Is there any extensive demand for female labour, and what might an unmarried female earn yearly?	For female domestic servants (especially cooks) the demand is considerable. Wages from 8*l.* to 16*l.*; cooks, 20*l.*
9. Would any considerable portion of the community be willing to receive juvenile offenders as apprentices into their houses, provided they were satisfied that they had not been confined in the ordinary prisons, but in penitentiaries, especially adapted for the purpose of their instruction and reformation, and the discipline which they had there undergone had proved effectual?	People would be found ready, and even anxious, to receive juvenile offenders on their establishments, either in town or country; but it may be doubted whether they would take them generally into their families, or make any essential distinction between them and their ordinary convict servants.

10. Would

Questions.	*Answers.*
10. Would the colonists be inclined to pay a small premium for the services of such apprentices, so as to cover the expense of their passage from this country?	Agriculturists (but not tradesmen or mechanics) would pay perhaps a small premium, from 1 *l.* to 5 *l.*, but not sufficient to pay the expenses of their passage from England. They would pay more or less, in proportion to the term for which the services of the boys were guaranteed to them, or to the degree in which they were secured against being deprived of them by the government, for what might be deemed improper management.
11. Would there be any difficulty in appointing an officer, as protector or guardian of such apprentices, who might effectually watch over their interests during the period of their indentures?	There would be no difficulty whatever in appointing such an officer, provided a competent salary were allowed; but he would have very great difficulty in performing effectually the duties of his office, even though the apprentices were indented only to persons living within a limited distance of Sydney. If the distance were not limited, it would be scarcely possible for him to watch over their interests, or in any way control their masters.
12. Would boys, coming from such a penitentiary, instructed and skilled in agricultural labour, in the use of the plough, spade, axe, &c., and having some knowledge of tailoring, shoemaking, and of such trades as are most needful for emigrants, be sought for and preferred in the market for skilled labour?	They would certainly be sought for; whether preferred either to convicts or free labourers, would depend on various circumstances, though principally on the comparative dearness or cheapness of their labour.
13. In what number at one time would it be desirable to send out boys?	Not more than 300 in the year, or more than 50 at a time.
14. Are there facilities and materials for the formation of a committee to receive, superintend, and locate the boys upon their arrival in the colony, to report from time to time to Her Majesty's Government their proceedings, and to give accounts of the treatment, condition, and conduct of the boys?	Upon such a committee, I should propose to employ principally government officers. A single government officer would be better than a committee. People have not leisure to serve gratuitously on committees.
15. Would the situations of the boys be mostly in towns, or in the rural districts?	This would depend on the government. I should recommend that no boy be taken to a greater distance than 30 miles from Sydney, or, which is nearly the same thing, beyond the county of Cumberland.
16. How long after their arrival out would they be before they obtained situations?	They would, I think, obtain situations readily.
17. Where could they be kept in the interim, and how could they be employed?	There is no place at present where they could be kept separate from convicts. It would be necessary to provide one, but that would not be difficult.
18. If sent into the interior, how far would they be from the seat of government?	Answered in Nos. 11 and 15.
19. Would there be any check on the spot upon improper treatment from masters, and any one in authority to whom the boy could make known his complaint?	Partly answered in No. 11. They might be placed under the particular protection of the police magistrate of every town or district; but there would be a difficulty in causing the masters to make any distinction between them and their convict servants.
20. What would be the temptations and facilities of the boys running away from their masters?	The ordinary temptations which exist in all countries; the love of change, and the desire to better their conditions by getting employment for wages.
21. Where would they, in case of escape, be induced to go?	They might roam about the country, and attempt to get employment in parts of it where they would not be recognized, or they might try to get on board some vessel for the purpose of leaving the colony.

Sydney, New South Wales,
1 May 1839.

NEW SOUTH WALES.

(No. 2.)

RETURN of the Number of Convict Boys who have Arrived in the Colony of *New South Wales*, in each Year from 1833 to 1838, both inclusive; the Number of Applications for them; the Number Applied for; and the Number actually Assigned under the Regulations of the 18th March 1833.

YEAR.	Number of Boys Arrived.	Number of Applicants for Apprentices.	Number of Boys Applied for.	Number actually Assigned under the Regulations of March 1833.
1833 - - -	209	53	144	122
1834 - - -	90	72	182	159
1835 - - -	168	73	207	173
1836 - - -	141	92	290	179
1837 - - -	191	77	220	102
1838 - - -	192	112	234	116
TOTAL - - -	991	501	1,322	881

Principal Superintendent of Convicts Office, 27 May 1839. } *J. M'Lean.*

(No. 3.)

CONVICT BOYS.

Colonial Secretary's Office, Sydney, 18 March 1833.

His Excellency the Governor directs it to be notified, that the convict boys now in Carters' Barracks, and such others as may arrive in future, under 17 years of age, will be assigned, out of Sydney, under the following conditions; viz.

1. The employer will be allowed their services for the period of seven years, or until the earlier termination of their respective sentences.

2. In consideration of this advantage, he will be required to keep them for the period above-mentioned; to provide them with food and clothing, according to the regulations of government in the case of adult male convicts; to afford them religious instruction, and, where practicable, to have them taught to read and write; and further, to accustom them to some kind of labour, whereby they may be enabled to earn an honest livelihood on attaining to freedom or manhood.

3. They will not be allowed to remain in Sydney, nor will they be assigned to any person residing within 20 miles thereof.

Persons desirous of obtaining boys under these conditions are requested to send in their applications to the Assignment Board, stating therein their willingness to comply with the foregoing regulations, for the due observance of which they will be required to give personal security. It is to be at the same time understood, that such applications will give no claim to obtain the services of a boy according to priority, as in the case of applications for adult convicts; it being the intention of government to dispose of these boys in such way only as shall be deemed most conducive to their reformation and future welfare.

By his Excellency's command,

(signed) *Alexander M'Leay.*

— No. 5. —

(No. 99.)

No. 5.
Sir Geo. Gipps to Lord Glenelg, 1 July 1839.

EXTRACT of a DESPATCH from Governor Sir *George Gipps* to Lord *Glenelg*; dated Government House, Sydney, 1 July 1839.

WITH reference to the various orders which have been given during the last few years for the abandonment of Moreton Bay as a penal station, and particularly to your Lordship's despatch of the 26th December 1835, No. 91, and to Sir Richard Bourke's reply to the same, dated the 5th November 1837, No. 109, I am happy to be able to report to your Lordship the further measures which I have adopted for reducing the establishment at that place, and for throwing the district open to settlers.

The whole of the women, 57 in number, have been withdrawn, and the male convicts reduced to 94, a number which will be barely sufficient for the custody and protection of the property of the home government, particularly of the flocks and herds, which cannot be advantageously disposed of until the country shall be opened to settlers.

Enclosure in No. 5.

Encl. in No. 5.

MORETON BAY.

STATEMENT showing the Past and Present ESTABLISHMENTS at *Moreton Bay*, and the Reduction in the Amount of Salaries issued under the head of Convict Expenditure.

PAST ESTABLISHMENT.	AMOUNT.
	£. s. d.
Commandant	300 – –
Chaplain	50 – –
Assistant surgeon	136 17 6
Superintendent of agriculture	200 – –
Ditto of convicts	150 – –
Commandant's clerk	73 – –
Schoolmaster	36 10 –
Matron of female factory	22 16 3
Pilot	63 17 6
Master of cutter	63 17 6
Seamen for ditto (four)	127 17 –

Military Establishment:	Field Officer.	Subaltern.	Men.	Women.	Children.
Regimental	1	1	46	7	15
Staff and departments	–	3	1	–	–
	1	4	47	7	15

£.	1,224 15 9

NEW SOUTH WALES.

PRESENT ESTABLISHMENT.	AMOUNT.
	£. s. d.
Commandant	91 – –
Chaplain	50 – –
Assistant surgeon	136 17 6
Pilot	63 17 6
Free overseer of stock	50 – –
Free chief constable	50 – –

Military Establishment:	Field Officer.	Subaltern.	Men.	Women.	Children.
Regimental	–	1	25	4	8
Staff and departments	–	3	1	–	–
	–	4	26	4	8

£. 441 15 –

Commissariat Office, Sydney, 18 June 1839.

(signed) *W. Miller*, D. C. G.

— No. 6. —

No. 6. Sir Geo. Gipps to the Marquess of Normanby, 23 Nov. 1839.

(Separate.)

COPY of a DESPATCH from Governor Sir *George Gipps* to the Marquess of *Normanby*.

My Lord, Government House, Sydney, 23 Nov. 1839.

I HAD the honour, on the 28th of September last, to receive your Lordship's despatch of the 11th May 1839, No. 46, announcing to me the important measures which had been decided on by Her Majesty's Government, in respect to the discontinuance of transportation to New South Wales, and the increase of the establishment at Norfolk Island, for the purpose of trying an entire new system of convict management. At the same time I received also your Lordship's confidential despatch respecting the appointment of Captain Maconochie to the office of superintendent of the new establishment.

For the Marquess of Normanby's Despatch, 11 May 1839, No. 46, *vide* Papers ordered by the House of Commons to be printed, 27 August 1839, No. 582, p. 16.

The arrangements required to carry your Lordship's orders into effect are not yet sufficiently advanced to enable me to report fully on them; but as I consider your Lordship may desire to know what progress we are making, and also the impression which was produced in the colony by the announcement of these important changes, I crave permission to address your Lordship, without reserve, on the subject of them.

The Legislative Council being in session when I received your Lordship's despatch, I first announced in person to the council the important fact that transportation to the colony had ceased; and I published an official notice to the same effect in the next Government Gazette. The settlers in general were so well prepared for the event, that but little excitement was produced by the announcement of it: the public press affected, for the most part, to rejoice at it; and the discontent of those who have always been the advocates of transportation was manifested principally in reproaches against the government for having made the support of the police and gaols of the colony a charge upon the land fund, instead of appropriating the whole of it to the importation of free labourers, who will now more than ever be required in the colony. That part of the proposed plan, however, was very loudly denounced, both in the council and out of doors, which seems to point to the introduction into the colony of convicts from Norfolk Island, when their sentences shall have expired; by which it was objected (and I must respectfully beg leave to say, not without reason) that New South Wales will remain

remain the receptacle of convicts, and be therefore in no way freed from the stain which transportation has impressed on it, though it will be deprived of all the benefit which it has hitherto derived from the coerced labour of the convicts.

I now pass to the subject of Captain Macnonochie's appointment. Judging that the discretion left to me by your Lordship was intended to relieve me from the necessity of making an appointment which might be offensive to Sir John Franklin, I though it best to put the whole matter into his hands, which I did, by sending to him copies of your Lordship's despatches, and leaving it to him to offer, or not, the appointment to Captain Maconochie. I am happy to report to your Lordship that this course of proceeding has had the effect, not only of securing to the government the services of Captain Maconochie, but also of putting an end to the estrangement which had for above a year existed between him and Sir John Franklin.

Captain Maconochie lost no time in coming from Van Diemen's Land, and is now in Sydney; though he will return to Hobart Town before he proceeds to Norfolk Island.

I have now to inform your Lordship that Captain Maconochie, immediately on his arrival in Sydney, expressed to me personally, and has since repeated by letter, that though ready to proceed to Norfolk Island, and enter on the duties which are to be confided to him, he does not consider Norfolk Island a favourable spot for the first trial of his system of convict management, and he very earnestly requested that a preference might be given to Tasman's Peninsula in Van Diemen's Land, or to Maria Island, which is near to it; or even to King's Island in Bass's Straits; or that if I did not feel authorized to make any of these localities, rather than Norfolk Island, the scene of his labours, that I would postpone the execution of your Lordship's orders for a year, and employ him in the mean time in the superintendence, within the colony of New South Wales, of the convicts intended by your Lordship for Norfolk Island.

After a very mature and anxious consideration of Captain Maconochie's objections to Norfolk Island, I have to report to your Lordship that I have not thought it right to yield to them, and that consequently the arrangements for carrying out your Lordship's instructions will go on.

On comparing together Captain Maconochie's objections, and your Lordship's instructions, I found that the principal arguments urged by Captain Maconochie against the fitness of Norfolk Island were founded on the very circumstances which had led Her Majesty's Government to select it as a fit place for the confinement of convicts, viz. its insular character, its inaccessibility, the fertility of its soil, and the nature of its climate. The only other important objection urged against it by Captain Maconochie is the present occupation of a portion of the island by doubly convicted felons from New South Wales: this, however, appeared to me to be one which was undoubtedly known to Her Majesty's Government when Norfolk Island was selected by them; and one moreover which applies also to Tasman's Peninsula, though not, as Captain Maconochie says, in an equal degree.

On a full review of all Captain Maconochie's arguments, though I may allow that Tasman's Peninsula offers some advantages which Norfolk Island does not possess, and especially those of a good harbour and more varied employment for the convicts, I did not feel these advantages to be sufficiently marked to justify me in departing so widely from my instructions as I must have done in order to fall in with Captain Maconochie's views; and I became more fixed in this conclusion, when I bore in mind that those instructions came to me as the result of the long consideration which Her Majesty's Government had given to the subject of transportation, aided by a Parliamentary inquiry, and possessing all the information respecting our penal colonies which could possibly be collected.

With respect to King's Island, or any other island in Bass's Straits, I am disposed to think that the facility of escape from them would form an almost insuperable objection, these straits being more frequented by shipping than any other part of the neighbouring seas.

I beg to state to your Lordship that I only finally decided against Captain Maconochie's proposal yesterday, having waited for the return from Norfolk Island of an officer of engineers (Lieut. Lugard), whom I had called up expressly to give me information respecting it, and especially of the facilities which it affords for accommodating an increased number of convicts. I trust your Lordship will accept this as an excuse for the hurried way in which this despatch is written, as well as for its

being unaccompanied by any official document except Captain Maconochie's letter to me of the 13th instant.

Capt. Maconochie, 13 Nov. 1839.

The arrangements which I have made, on the report of Lieutenant Lugard, are, that temporary accommodation, in wooden buildings, shall be forthwith provided at Longridge, which is the principal agricultural station on the island, and distant about a mile and a half from the spot where the doubly convicted prisoners are confined; there is also a barn at Longridge, which will be fitted up for 200 men.

From the reports which I have received from various officers of the capabilities of Norfolk Island, I am disposed to think that the convicts confined on it may be increased to between 4,000 and 5,000, but not beyond that number without greatly increasing the expense of their maintenance. Lieutenant Lugard reports that by a recent survey he has ascertained the whole superficial content of the island not to exceed 9,000 acres, though it has usually been reckoned at 14,000. I fear that the expense of maintaining convicts on it will be greater than your Lordship appears to contemplate, though not greater probably than it would be in any other situation that could be chosen for them in the southern hemisphere.

At the same time, I do not see that the discontinuance of transportation to New South Wales will enable me materially to reduce the expense of our convict establishments in this colony for at least two or three years.

I cannot conclude this despatch without expressing my hope that nothing contained in it may lead your Lordship to consider me as in any way indisposed to see Captain Maconochie make trial of his system under the most favourable circumstances, and such as he may himself entirely approve. I beg to assure your Lordship that such is very far from being the case, and that I am, on the contrary, very anxious to see his system fairly tried under his own superintendence; and though I may have doubts of any great results being produced by it, or rather results upon a great scale, I have great faith in the principles on which his experiments are to be founded.

I have, &c.,
(signed) *George Gipps.*

Encl. in No. 6.

Enclosure in No. 6.

Sir, Sydney, 13 November 1839.

I HAVE the honour to acknowledge my appointment to command at Norfolk Island; and I beg to offer my most sincere thanks to the Right honourable the Secretary of State, to your Excellency, and to Sir John Franklin, for the confidence so reposed in me; it gives me both pride and pleasure, and I pledge myself to devote my whole energies to the interesting and important object thus set before me.

It occasions me much pain, at the same time, that my first act in the department must necessarily wear in some measure the aspect of creating a difficulty. Yet a very strong sense of duty prompts me to this, and I trust that your Excellency will, in the circumstances, at least hold me excusable for acting on it.

The objection which I feel compelled to make, is to Norfolk Island being made the scene of my charge and labours. It seems to me peculiarly unfit for this, being already occupied, as your Excellency is aware, by 1,200 of the refuse of both colonies, who cannot be immediately bestowed elsewhere, and with whom it would be extreme cruelty to mix up newcomers. The island also is so small, that, with wicked purpose (which cannot be doubted) on one hand, and at least active curiosity on the other, it would be altogether impossible to maintain any effective separation. There are, moreover, other disadvantages. The situation is remote,—1,000 miles from this colony, and 1,200 from the other,—and supplies could thus only with difficulty be procured when immediately wanted. The shores are so inaccessible, that in unfavourable weather weeks, I am told, may elapse without the possibility of communicating with a vessel in the offing; and with prisoners or stores on board, such an interruption might be to the last degree inconvenient. The climate also is tropical, and though not unhealthy, its tendency must be thus in some measure to debilitate the men. The soil is of exuberant fertility, so that the rewards of industry may be obtained without its exertion,—an extremely unfavourable circumstance, when it is intended to train men to a subsequent life of labour: and the situation is out of the way of all trade or passage, so that prisoners discharged from it must inevitably filter through Sydney on their return to society, exposed to all its temptations, from time to time glutting its labour-market, and thus, it may be, often peculiarly tempted, when, on the contrary, it is desirable that they should find circumstances moderately favourable.

Thus characterized, then, it appears to me that the only real recommendation of Norfolk Island is that fertility, otherwise, I conceive, a direct disadvantage, but which, it may be thought, would render its occupation in this way economical. Even on this score, however, there would be found practically, I am persuaded, a mistake. There seems to me to be

be four principal objects which should on this occasion be studiously kept in view, and though economy is one of them, it is not the first; and it may, I am convinced, be even better attained by pursuing the others in preference, than by postponing them to it. The most important of all is the adequate training of the prisoners, the placing them in a situation admitting of a diversity of hard, but yet productive labour, calculated to familiarize them at once with the processes of useful exertion, and its rewards. Second to this are the others, of placing this labour in a climate calculated to invigorate the men's bodies, not debilitate them—for with the body the mind sympathises—and in a situation from which they may easily disperse when discharged. I attach extreme importance to both these objects, and scarcely know, indeed, to which to give the preference. With feeble bodily strength, in these colonies especially, where the work is generally severe, the very best intentions in labouring men are exposed to peculiar temptations, particularly when only grafted on the character in mature life, after passing through a vicious youth; and where the first difficulties must always be the greatest on returning to society, it seems peculiarly desirable that this should not necessarily be confined to any one uniform path, which, however otherwise unexceptionable, would for this purpose, from the very nature of things, be soon attended with peculiar embarrassment.

For all purposes, if I may be allowed to offer a suggestion, Tasman's Peninsula, including with it the adjoining one called Forestier's, and perhaps also Maria Island, appears to me the most suitable in these seas. The three together are of great extent, yet susceptible of very definite subdivision; and although they contain much bad land, there is also much that is highly cultivable and improveable. They combine, indeed, all the peculiar features characteristic of these colonies, and would thus exemplify to men training in them all the principal difficulties in settling them. They have a most excellent harbour, Port Arthur, to which it would be convenient to direct ships bringing prisoners from England. The neighbouring port of Hobart Town could at all times furnish the requisite supplies, which could always be easily landed, and its trade, with which a communication could be established as wanted, without passing through the town, would give every facility that could be wished for ultimately dispersing the people. Much of the land in all three remains to be cleared and otherwise brought in; both sheep and cattle could be pastured on it, horses and other stock bred and reared, and every other branch of agricultural occupation extensively and, I am persuaded, profitably entered on. The timber on the two peninsulas is of good size, and there is a supply of water alike for saw and corn mills. There are coalfields in one of considerable extent and promise; iron and limestone are, I think, within them; but at all events they are both, and the first especially, of excellent quality, in the immediate neighbourhood; and the establishment of iron foundries here (where labour, the usual source of difficulty in such speculations in these colonies, would superabound), would be of extraordinary general advantage. A dockyard already exists on Tasman's Peninsula. Many other descriptions of manufactures, as tanning, blanket and other weaving, rope and sail-making, shoe-making, carpentry, smith's work, &c., could easily be introduced into it; and markets for every description of export could easily be found from it. The climate is cool, almost boisterous, but healthy and bracing; and thus altogether it seems difficult to conceive the combination of a greater number of capabilities. The only apparent objection, and which I notice because it is suggested in the Report of the Transportation Committee, is the neighbourhood of the settled districts of Van Diemen's Land; but this would not, I confess, weigh much with me, if, indeed, it would not rather be a recommendation. Successful desertion from Port Arthur is rare even now, and though facilities for it would be increased when the men became more dispersed, I would yet but little fear it under steady social management. On the contrary, I would rather that the men were so proved than not. I think that so much more would, in all its stages, be to be gained by obedience under such a system than by evasion; that the inducement to attempt the latter would be infinitely small, and would be fully overcome by the mutual responsibility of the several parties.

Should Tasman's Peninsula, however, not be approved of, on this or any other score, I would yet recommend many other places preferably to Norfolk Island; and I am even inclined to think very favourably of King's Island, in Bass's Straits. The interior of this is not known in any exact detail, but its general features are promising. Its climate is excellent, its extent (40 miles long from north to south) is so considerable that it can scarcely but comprehend most varieties of Australian soil, aspect, and other circumstances. It is very well watered, especially on the east, which is also the lee and most promising side. Though without a good harbour in all winds, it can yet easily and safely be approached in any, at one or other of two not very distant points near the northern extremity. Ships with prisoners from England may thus confidently be directed to it; and it is centrically placed for subsequent dispersion. Two small islands are situated about four miles from its north-western extremity, on which penitentiaries for separate imprisonment could be easily constructed, with gardens annexed to them, and capable of being made secure at little expense of masonry, or other guarding. It cannot be doubted that the main island could support many head of stock, and afford a field for much agricultural labour. The wood on it is known to be of good size in places, though generally rather dwarf; and there is a subsidiary recommendation to this place, to which I advert with diffidence, but of which I am not insensible. King's Island, situated where it is, could easily be transferred to the government of New South Wales; and the experiment would be thus continued under your Excellency's immediate direction, which might be more difficult with regard to Tasman's Peninsula.

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In both these cases, then, it is obvious that a great extent and variety of useful productive effort would be within reach, which, where the supply of labour must rapidly accumulate, is of great importance; and it is also a happy circumstance in both, that in no case need this effort be lost, for Tasman's Peninsula and King's Island could always be settled, and command a high price for their cleared lands; whereas Norfolk Island, with its other disadvantages, could never be useful but as a public station. It may be proper, however, further to observe, that though in all cases it will be found necessary, I am persuaded, to attach one or two colonial vessels to any station thus occupied,—for without this the settlement would be nearly helpless in many probable contingences,—yet this would, perhaps, be somewhat more indispensable at King's Island than the other stations reviewed, in consequence of the neighbourhood of the sealing parties at the Hunter's and Furneaux Islands. Besides warning these men off, their boats should, I think, be made subject to confiscation if found within certain limits; and being at best a very lawless body, of whom frequent complaints are made for smuggling, on both sides of the straits, and carrying off native women on the northern, a vigorous police establishment in regard to them, which could easily be combined with this other duty, would be thus a collateral advantage. The example of lawless impunity, too often set in these seas, both by our sealers and whalers, is injurious to the morality of all these colonies, especially in their intercourse with aboriginal tribes.

I venture very earnestly, then, to recommend these observations to indulgent consideration; and if I may take so great a liberty, I would even submit to your Excellency's judgment whether it would not be better, in all circumstances, not to act on the Norfolk Island plan till a conclusion is come to on them by the Right honourable the Secretary of State. I would take this liberty from many considerations; the utmost energy could not, probably, in all circumstances, provide additional accommodation to what is already fully occupied at Norfolk Island, for above 500 or 600 men within 12 months, and the object of executing the plan to this extent only would not seem, therefore, very urgent. Whatever men may be so sent would, also, I am persuaded, be really sacrificed. The injury that would be done them by their communication with those now there would be very great, and to themselves might be even irremediable. On the other hand, whatever destination your Excellency may be pleased to give to the remainder of this year's prisoners could not be much interfered with by adding this number to them; and if they were placed on the roads in New South Wales, and you did me the honour to give me the charge of the whole, or any portion, an opportunity would be afforded me of making another experiment, of extraordinary interest, as it appears to me, and for which no other adequate opportunity may otherwise again occur. My impression is, that upon the principles of social management, prisoners may be worked in the midst of a free community with little more difficulty, or injury to the feelings or morality of that community (if not even with advantage to both), than free men; and if I can succeed in either proving this, or even approaching to a demonstration of it, a precedent would be established on which hulk labour in England might be prodigiously improved, and at the same time a generalization given to the whole system, showing its applicability every where, which it would want if its field of action were confined to a station apart. I should not have the courage to press this observation on your Excellency, if circumstances were otherwise favourable for entering vigorously and advantageously on the other plan; but as this is not the case, and 12 months' delay seems at all events most desirable, I venture to urge it with some earnestness.

In conclusion, also, I would beg leave to point out to your Excellency that in bringing these representations thus formally under your notice, I can have no selfish motive. Personally, the climate and character of Norfolk Island would be most agreeable; and it is plain, that if the object were merely to coax out of men in the unhappy situation of prisoners, a few temporary results, I should have them much more under command in a small, secluded, unapproachable sphere, than in one more extended and accessible. But in truth such considerations are below the occasion. I am sanguine in hoping that in the principles of the social management of prisoners the germ is deposited of vast benefit at once to England and to these colonies; and though the best apparatus to found on them may be yet, perhaps, a problem to solve, yet, with its principal elements in our possession, details must be soon obtained with an adequate sphere in which to seek for them. The object of obtaining that sphere seems thus of great importance; and I venture to rely consequently, even with confidence, on your Excellency's indulgent consideration of the earnestness with which I seek it.

I have, &c.

His Excellency Sir George Gipps. (signed) *A. Maconochie.*

— No. 7. —

(No. 70.)

No. 7. Lord John Russell to Sir Geo. Gipps, 3 June 1840.

COPY of a DESPATCH from Lord *John Russell* to Governor Sir *G. Gipps.*

Sir, Downing-street, 3 June 1840.

I HAVE received your despatch (marked separate) of the 23d of November last, in which you report the selection of Captain Maconochie to the charge of the convict establishment at Norfolk Island; and report the arrangements which you had

had made for giving effect to the measures contemplated by Government in regard to the system of convict discipline; and I approve the course which you pursued in obedience to your instructions. NEW SOUTH WALES.

I shall communicate with you further on this subject when I shall have had an opportunity of conferring with the Secretary of State for the Home Department.

I am, &c.
(signed) *J. Russell.*

— No. 8. —

(No. 96.)

No. 8.
Lord John Russell to Sir Geo. Gipps, 6 July 1840.

COPY of a DESPATCH from Lord *John Russell* to Governor Sir *George Gipps.*

Sir, Downing-street, 6 July 1840.

I HAVE received your despatch marked "separate", of the 23d of November last (page 8), in which you notify the selection of Captain Maconochie to be superintendent of the convict establishment at Norfolk Island, and enclose a copy of a communication which Captain Maconochie had addressed to you on his appointment to that office. I had already received a copy of that letter from the Lieutenant-governor of Van Diemen's Land.

I have communicated a copy of your despatch to the Secretary of State for the Home Department.

I enclose for your information and guidance a copy of an Order in Council for determining the places to which convicts may be transported from the United Kingdom from and after the 1st of August next, the effect of which is to exclude the colony of New South Wales from the list of such penal settlements. 22 May 1840.

Her Majesty' Government have also decided that no more convicts should be sent from the Australian colonies to Norfolk Island, as Goat Island, within the government of New South Wales, and King's Island, within that of Van Diemen's Land, would appear to be proper selections as places of confinement for prisoners convicted in the respective colonies, although on that point I would leave the choice, provided it were not a settled district, to the discretion of yourself and of the Lieutenant-governor of Van Diemen's Land.

It is not contemplated to adopt the proposal of Captain Maconochie for the separation of Tasman's Peninsula and King's Island from Van Diemen's Land; but I have impressed on Sir John Franklin the necessity of using the utmost care in the selection of officers to superintend the convict establishments there. Convicts at Norfolk Island whose sentences are about to expire, shall, immediately before the expiration of their term of punishment, be sent to Van Diemen's Land, and those who shall have received a ticket of leave may be subjected in Van Diemen's Land to such restraints as upon a further consideration of the system may be thought most useful.

I have only further to notice a few remarks which I would wish you to bear in mind in carrying out these measures:

1. That assignment, when once abolished, must in no shape be revived.

2. That of all systems of imprisonment, that which is called the "separate system" is the most efficacious and complete.

3. That where, from various reasons, associated labour is adopted, it is not advisable to attempt by coercive means to enforce perpetual silence; such attempts are never entirely successful, while they provoke and irritate the criminal, although silence during work, as a means of discipline, may be properly enjoined and enforced.

It is the intention of Her Majesty's Government that Captain Maconochie's plan should be left to be tried by himself, and that the experience of that trial should guide the further proceedings.

I am, &c.
(signed) *J. Russell.*

NEW SOUTH WALES.

Encl. in No. 8.

Enclosure in No. 8.

At the Court at Buckingham Palace, the 22d day of May 1840.

Present:—The QUEEN's Most Excellent Majesty in Council.

WHEREAS, by an Act passed in the fifth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for the Transportation of Offenders from Great Britain," it was, amongst other things, enacted, that it should be lawful for his Majesty, by and with the advice of his Privy Council, from time to time to appoint any place or places beyond the seas, either within or without his Majesty's dominions, to which felons and other offenders under sentence or order of transportation or punishment should be conveyed: And whereas by an Order made by the advice of his said late Majesty's Privy Council, on the 23d June 1824, his said late Majesty was pleased, in pursuance of the power so vested in him as aforesaid, to appoint New South Wales and Van Diemen's Land, and all islands adjacent thereto, to be places to which felons and other offenders then being, or thereafter to be, under sentence or order of transportation or punishment, should be conveyed under the provisions of the said recited Act: And whereas by the said Act it was further enacted, that it should be lawful for his Majesty, by any Order or Orders in Council, to declare his royal will and pleasure that male offenders convicted in Great Britain, and being under sentence or order of transportation, should be kept to labour in any part of his Majesty's dominions out of England, to be named in such Order or Orders in Council: And whereas his said late Majesty, in pursuance of the powers so vested in him, was further pleased, by and with the advice aforesaid, by the Order in Council aforesaid, to declare his royal will and pleasure, that male offenders convicted in Great Britain, and being under sentence or order of transportation, should be kept to hard labour in his Majesty colony of Bermuda: And whereas by an Act of Parliament passed in the sixth year of the reign of his said late Majesty, intituled, "An Act for punishing Offences committed by Transports kept to Labour in the Colonies, and better regulating the powers of Justices of the Peace in New South Wales," it was, among other things, enacted, that it should and might be lawful for his said late Majesty, by any Order or Orders to be by him from time to time for that purpose issued with the advice of his Privy Council, to appoint, or by any such Order or Orders in Council to authorise, the governor, lieutenant-governor, or other person for the time being administering the government of any of his Majesty's foreign possessions, colonies, or plantations, to appoint the place or places within his Majesty's dominions to which any offender convicted in any such foreign possessions, colonies, or plantations, and being under sentence or order of transportation, shall be sent or transported; and it was thereby enacted, that all such persons should, within the place or places to which in pursuance of any such Order or Orders in Council they should or might be so sent or transported, be subject and liable to all such and the same law, rules, and regulations as were or should be in force in any such place or places with respect to convicts transported from Great Britain: And whereas in pursuance of the said last recited Act of Parliament, and in exercise of the powers thereby vested in him, his said late Majesty, on the 11th day of November 1825, by and with the advice of his Privy Council, did order that the governor, lieutenant-governor, or other persons for the time being administering the government of any of his Majesty's foreign possessions, colonies, or plantations, should from time to time, by proclamation to be by them respectively for that purpose issued, appoint the place or places within his Majesty's dominions to which any offender convicted in any such foreign possessions, colonies, or plantations, and being under sentence or order of transportation, should be sent or transported.

And whereas it hath seemed fit to Her Majesty, on the advice of Her Privy Council, to revoke the said recited Orders in Council, and to substitute in lieu thereof such other provisions as are hereinafter mentioned: Now, therefore, in pursuance and exercise of the powers vested in Her Majesty in Council by the said recited Acts of Parliament, Her Majesty, by and with the advice of her Privy Council, doth order, and it is hereby ordered, that upon and from the 1st day of August in this present year, 1840, the said recited Orders in Council of the 23d day of June 1824, and of the 11th day of November 1825, shall be, and the same are hereby revoked, so far as respects any act, matter, or thing to be done from and after the said 1st day of August 1840 in the premises. And it is hereby further ordered, by the advice aforesaid, and in pursuance and exercise of the authority aforesaid, that from and after the said 1st day of August 1840, the island of Van Diemen's Land and Norfolk Island, and the islands adjacent to and comprised within the government of Van Diemen's Land, shall be the places to which felons and other offenders in the United Kingdom, then being or thereafter to be under sentence or order of transportation, shall be conveyed under the provisions of the said recited Act of the 5th year of the reign of his late Majesty King George the Fourth; and it is hereby further ordered, by the advice aforesaid, and in pursuance and exercise of the authority aforesaid, that male offenders convicted in the United Kingdom shall, from and after the said 1st day of

of August 1840, in pursuance of the provisions of the said last recited Act, be kept to hard labour in Her Majesty's colony of Bermuda; and it is further ordered by the advice aforesaid, and in pursuance and exercise of the authority aforesaid, that from and after the said 1st day of August 1840, the respective governors, lieutenant-governors, and other persons for the time being administering the government of any of Her Majesty's colonies, shall, in pursuance of the provisions of the said recited Act of the 6th year of the reign of his said late Majesty, by proclamation to be by them respectively for that purpose issued, appoint the place or places within Her Majesty's dominions to which any offender convicted in any such colonies, and being under sentence or order of transportation, shall be sent or transported, provided that neither the said colony of Bermuda, nor any of Her Majesty's colonies in New Holland, or in the Southern Ocean, be so appointed for that purpose by any such proclamation as aforesaid, other than the said island of Van Diemen's Land and Norfolk Island, and the islands adjacent to and comprised within the government of Van Diemen's Land. And the Most Noble the Marquess of Normanby, and the Right Honourable Lord John Russell, two of Her Majesty's Principal Secretaries of State, are to give the necessary instructions herein accordingly as to them may respectively appertain.

(signed) *Wm. L. Bathurst.*

No. 9.

(No. 27.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

No. 9.
Sir Geo. Gipps to Lord John Russell, 24 Feb. 1840.

My Lord, Government House, Sydney, 24 Feb. 1840.

WITH reference to my despatch (marked separate) of the 23d November 1839, I have the honour to report to your Lordship that Captain Maconochie returned to Sydney on the 27th January last from Van Diemen's Land, and that he sailed yesterday for Norfolk Island, there to enter on his duties as superintendent

Temporary accommodation for 300 men having been reported ready at Norfolk Island, and the Nautilus, with male convicts from Dublin, arriving at Sydney just at the time when Captain Maconochie was prepared to take his departure, I caused that vessel, with her convicts, at once to proceed to Norfolk Island, and Captain Maconochie and his family to be also accommodated in her.

I have further to report to your Lordship, that, on the application of Captain Maconochie, I have made the following new appointments at Norfolk Island:

1. An assistant surgeon, there having been before but one surgeon for the whole convict establishment, and the appointment of a second medical officer having been often asked for, even before any new establishments were contemplated. The medical department of New South Wales not being able to furnish a medical officer, Mr. James Reid has been appointed to Norfolk Island, at the usual pay of 7*s.* 6*d.* per diem, on the joint recommendation of Captain Maconochie and the Inspector-general of Hospitals.

2. An overseer of works, or, as Captain Maconochie prefers that he should be called, an overseer of marks, at 80*l.* a year, with a ration of provisions. Mr. John Simm has, on Captain Maconochie's recommendation, been appointed to this office.

3. One chief officer, and two serjeants of police; the former at 80*l.*, the latter at 60*l.* each per annum, and a ration of provisions for each. The persons for these appointments were selected by Captain Maconochie from the police of Sydney.

The above appointments are all on account of Captain Maconochie's new establishhment at Norfolk Island; and in proportion as that establishment is increased, further appointments will in all probability be required.

For the old establishment, which still consists of 1,200 doubly convicted felons, I have thought it necessary to make also an additional appointment, for which I have separately to ask your Lordship's sanction.

Your Lordship is aware that the commandant or superintendent of Norfolk Island has no power to punish convicts, except by virtue of his commission as a

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magistrate of the territory of New South Wales (see an Act of the Governor and Council, 3d Will. 4, No. 3); that consequently he is obliged, in his magisterial capacity, to hear every case himself, and to have depositions taken and recorded, precisely in the same way as they are taken before any police magistrate of the colony. The time of the commandant is usually occupied three or four hours every day in this business alone, and the other duties connected with the old establishment are I believe such as to fill up the remainder of any one man's time, or to leave him at least but little leisure for other employment. Captain Maconochie's attention will, however, it is only fair to suppose, be in a great part, if not principally, directed to the new establishment, in which his own principles are to be tried, and in the success of which he must feel so deeply interested: under such circumstances, I could not but feel that it was necessary to relieve him in some degree from the mere routine duties of the old or doubly convicted establishment; and I have accordingly appointed Mr. Charles Ormsby to be assistant superintendent of that establishment, with a salary of 180 *l.* per annum; and I have further made him a magistrate, in order that he may assist Captain Maconochie in the exercise of summary jurisdiction under the Act of Council above mentioned. Mr. Ormsby having held a situation in the Irish constabulary, is I believe well qualified for this duty.

I am led to hope by this arrangement that the office of superintendent of convicts at Norfolk Island may be abolished, or rather that it may be merged in the office to which I have appointed Mr. Ormsby, as soon as I may have an opportunity of otherwise providing for Mr. Foster, who now holds it, at a salary of 150 *l.* per annum.

I have, &c.

(signed) *George Gipps.*

— No. 10. —

No. 10. Lord John Russell to Sir Geo. Gipps, 8 August 1840.

(No. 125.)

Copy of a DESPATCH from Lord *John Russell* to Governor Sir *George Gipps.*

Sir, Downing-street, 8 August 1840.

I have the honour to acknowledge the receipt of your despatch, No. 27, of the 24th of February last, reporting the departure of Captain Maconochie for Norfolk Island, and notifying the appointments which you had made of subordinate officers for the convict establishment there.

I have to convey to you the approval of Her Majesty's Government of the appointments and arrangements as reported in your despatch.

I have, &c.

(signed) *J. Russell.*

— No. 11. —

No. 11. Sir Geo. Gipps to Lord John Russell, 25 Feb. 1840.

(No. 28.)

Copy of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

Government House, Sydney,

My Lord, 25 February 1840.

Having in my despatch of yesterday, No. 27, reported to your Lordship the departure of Captain Maconochie to Norfolk Island, I have now the honour to forward copies of various papers which Captain Maconochie has submitted to me respecting the system of management which is to be adopted there.

Nos. from 1 to 7.

No. 1 of these papers is a memorandum on the assistance which would be desirable in order to give full development to the principles of social management in a large insular establishment.

As

As Captain Maconochie himself does not consider Norfolk Island a fit place for an experiment on the large scale contemplated in this paper, I think it only necessary to observe, that the increase in the establishment of Norfolk Island which I have sanctioned, in consequence of Captain Maconochie's appointment, is reported in my despatch of yesterday, No. 27.

No. 2 is a Memorandum on the Exchange of Marks for present Indulgences.

The views developed by Captain Maconochie in this paper are scarcely, I fear, consistent with those of Her Majesty's Government, as shown in your Lordship's note of the 2d January 1839, inasmuch as it would seem to be the intention of Government that every transported felon should, during the period of at least two years, receive no indulgence whatever.

For Lord John Russell's note on Transportation, 2 January 1839, vide Paper, ordered by the House of Commons to be printed, 27 Aug. 1839, No. 582.

Deeming this to be a fundamental principle established by Her Majesty's Government, I have not considered it right to authorise Captain Maconochie to depart from it, unless such departure should by him be found to be absolutely necessary, in order to give his own system a fair trial.

No. 3, a Memorandum on Remission of Punishments.

As my own opinion of the evils which attend the present system of remitting punishments, coincides almost entirely with that of Captain Maconochie, I have authorised him to carry into effect the views developed in this paper, under such limitation only as is explained in my remarks on his Paper No. 2. I may, however, observe, that the system of marks will not, I fear, get rid of all the inconveniences which attend the exercise of the power now vested in the governors of penal colonies, in respect to the remission of punishment. The power of affixing good or bad marks against the names of individuals, is of itself a power not only of remitting, but also of aggravating punishments; and it is one which in a large establishment must come to be exercised by subordinate agents.

No. 4, a Memorandum on the Formation of a Library at Norfolk Island.

As Captain Maconochie attaches great importance to the early formation of a library, I have authorised him to expend 50 *l.* in the purchase of such books as he may be able to select at Sydney. I fixed at first the sum of 20 *l.*, but at his very earnest request I subsequently raised it to 50 *l.*

No. 5, a Memorandum on the expediency of cultivating a taste for Music in the prisoners.

Precisely on the same ground that I authorised an expenditure of 50 *l.* for books, I have sanctioned, on Captain Maconochie's urgent request, an outlay of 100 *l.* for musical instruments; and I have further authorised payment to be made for some articles purchased by him, to the amount of 43 *l.* 15 *s.*, under circumstances which are stated in a letter to me, dated the 19th Feb. 1840, a copy of which is appended to the Memorandum (*vide* page 27).

No. 6, a Memorandum on the expediency of sending Female and Juvenile Convicts to the same general establishment with male adults.

Women have never yet been sent to Norfolk Island, and the universal impression is, that it would be highly dangerous to have them there (not less on account of the male convicts, than of the troops who guard them). Captain Maconochie does not even desire that women should be sent there at present.

No. 7, a Memorandum on Lord John Russell's note on Transportation and Secondary Punishment, dated the 2d January 1839.

On this Memorandum the following are the only observations which I think it necessary to offer: Whether experiments in the management of convicts are hereafter to be tried in the colonies which have hitherto been penal ones, or in new establishments, seems to me to be no longer an open question. The decision has been pronounced that transportation to New South Wales and Van Diemen's Land is to cease; and I by no means desire to see that decision reversed.

Captain Maconochie avows his opinion that the first object of all convict discipline should be the reformation of the criminal. This opinion, however agreeable it may be to the dictates of humanity, is not, I believe, the received one of legislators, who rather require, as the first object of convict discipline, that it should be a terror to evil-doers.

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The necessity of fixing authoritatively the end or object of convict discipline, and of never suffering it to depart from our view, in devising means to work out that end, is so obvious, that it cannot be necessary for me to enlarge on it.

Having thus brought before your Lordship the several papers which have been placed in my hands by Captain Maconochie, I think this a fitting opportunity to remark to your Lordship, that as Her Majesty's Government have decided on allowing Captain Maconochie an opportunity of trying his system of convict management, I have considered it right to give him all the support in my power, and every reasonable facility for trying it in his own way. The persons whom he takes with him (see my despatch of the 24th inst., No. 27) are of his own selection; and in the two instances above alluded to, I have sanctioned whatever expense he thought necessary.

Though Norfolk Island may not be, for reasons stated by Captain Maconochie himself (and forwarded with my despatch marked separate, of the 23d November 1839), a fit place for an extensive penal establishment, sufficient for all criminals likely to be transported from the United Kingdom, it is, I apprehend, one not badly adapted for putting to the test the principles advanced by Captain Maconochie.

I feel persuaded that Captain Maconochie will have far better chances of success at Norfolk Island, than he could possibly have had, if his experiment had been tried, as he once expressed a wish it should be, on the roads in New South Wales. In such a position he would have been constantly overwatched by a jealous, and even a hostile public: every failure, however trifling, would have been exposed, exaggerated, and turned into ridicule; and his own attention would have been constantly withdrawn from the object to which it ought solely to be directed, in order to defend himself against the attacks, whether well or ill founded, with which he would have been assailed. The expense too of the experiment in New South Wales would have been, in all probability, greater than in Norfolk Island. At Tasman's Peninsula, even, the expense would have been greater than at Norfolk Island, as buildings of a more expensive nature for the lodgment of the convicts would, on account of the difference of climate, have been required, whilst the return to be derived from their labour would, on account of the inferior productiveness of the soil, have been less.

The circumstances which Captain Maconochie has pointed out as unfavourable at Norfolk Island, namely, its remote situation, its insular character, its limited extent, and the want of sufficient variety in the employment which it offers, though they may render it unfit to be the sole penal establishment of Great Britain, or even to become one in which Captain Maconochie's own views can fully be carried out, are not such as will, in my opinion, affect the issue of an experiment by which the truth and applicability of his principles are to be tested.

I have, &c.

(signed) *George Gipps.*

Enclosures in No. 11.

(No. 1.)

Encl. in No. 11. MEMORANDUM on the Assistance that would be desirable in order to give full developement to the principles of Social Management in a large Insular Establishment.

I HAVE repeatedly expressed a conviction that, with all its other advantages, the social management of prisoners will speedily be found also the most economical. The substitution of free for coerced labour in it, that is to say, of labour stimulated by the ordinary motives which animate industrious life in free society, instead of the mere fear of the lash or cells, must eventually prove economical; and besides the additional work which it will obtain, will obtain it also with a smaller amount of direct superintendence. But in the beginning especially, there will be a considerable demand for intelligent superintendence, and this ought to be even liberally allowed. The object of the system is to develope the mind, not merely restrain or fetter the body; and superior as this object is, and peculiarly characterising what, if cordially gone into by the British Government, will be known as the English, in contra-distinction to both the Dutch and American systems, it seems even an object of national policy not to cramp its earlier steps by anything which may approach the character of false economy.

Accordingly

Accordingly at an early period, and before any great accumulation of prisoners takes place, if still retained at the head of the establishment, I ought to have one or two intelligent assistants, of a class calculated to succeed me should I be removed. In the meanwhile, they would judge my results, perhaps improve on them, and at least assist materially in their attainment. They should thus be men of liberal minds, not wedded to any particular system, yet reasonably hopeful and zealous in the prospects of this one. If acquainted with the first elements of agriculture or mechanics, this would be an additional, but yet a subordinate recommendation.

Between them and the common overseers, there should next be a class of teachers of workmen competent to direct extensive operations. The object being education, the means of educating must be provided. The common overseers under them need not, as far as regards discipline, be men of high attainments; on the contrary, as I wish to create an innate impulse, and not rely on a factitious one, I would rather not have them very active or bustling, than the reverse. Moderately good temper, steadiness, and knowledge of work, would however be indispensable. I would have no prisoner overseers at all; there is an essential error in the principle of such; but the association into parties would produce nearly the same effect, each man being entitled to watch and stimulate his neighbour towards producing a joint result.

The police ought, as much as possible, to be civil, and not military, and after a time the number of the latter might thus, I am persuaded, be made relatively very small (if judiciously posted and regulated), not only without danger, but even with great advantage. The civil police should consist of a strong staff of free men, assisted in carrying out the details by parties of prisoners (of force as required), taken in strict rotation for this duty, and only engaged on it for 24 hours at a time. The principle of a standing prisoner constabulary appears to me the worst possible; but an arrangement of this kind, which would identify all in turn with the maintenance of good order and punctuality, would, I think, be even strikingly advantageous.

It is impossible at present to estimate the probable expense, per head, of management thus organized. Abstractly it must depend on the numbers brought together, and decrease as they increase; but relatively this is only a very inferior element in the computation. It is a scope of useful productive labour that will be found, practically, much more to the purpose; and with this I can see no reason whatever for prisoner labour not becoming a source of income rather than of expenditure at all.

I am even persuaded that it never will be thoroughly well managed till this result is specifically aimed at, and moderately attained. In itself, in so high an undertaking as the management of prisoners, it is of the least possible value; but as a means of estimating many other quantities, it will be found in general, I believe, as true as a barometer.

In estimating the expenses, it should be borne in mind, that although it is proposed to make marks of approbation exchangeable like current coin, yet each prisoner must make a large accumulation of them before he regains his liberty, which accumulation will be clear gain to the Government, besides all expended in granting him temporary indulgences. And I have omitted to notice above the expense of clergymen, who should, I think, be much more numerous in a reformatory establishment than in one merely primitive. I would have one of some denomination or other to every 100 or 120 prisoners in the separate imprisonment stage; and as this, according to my present opinions, would be about one-third of each year's arrivals (I think that four months in this stage should be even a high average), the proportion of clergymen to an establishment receiving 3,000 prisoners annually, would be 10; and supposing that the average detention of prisoners was from three to four years (which I should think also probable), and their accumulated number were thus about 10,000 men, the proportion of clergymen to the whole community would be 1 to 1,000. If a longer period of separate imprisonment were deemed indispensable, this proportion would require to be raised, for I do not think that a clergyman can, in conjunction with his other duties, do full justice to a greater number of men under his special care, than, as above, 100 to 120. It is at this period that the seeds of effective penitence and good resolution are to be sown, perhaps for life; and it would be the worst economy that would restrict the means of rooting and starting them.

(signed) *A. Maconochie.*

(No. 2.)

MEMORANDUM on the Exchange of Marks for present Indulgences.

THE Right Hon. the Secretary of State having been pleased to authorise my appointment to the chief charge of the prisoners of the Crown at Norfolk Island, it may be presumed that his Lordship has approved of my general views for their management, as recommended successively in Lord Howick's Minute and the Report of the Transportation Committee; yet I shall have a difficulty in acting on this presumption, and shall even incur a serious pecuniary responsibility in doing so in one important point, unless specifically authorised by my instructions.

This point is the sale of indulgences to the prisoners in exchange for their marks of approbation, thereby, however, prolonging their stay in bondage, release from which should only

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only be purchasable by a fixed accumulation of these over and above all so bartered. By this means I hope to cultivate their powers of self-command, and by making a certain voluntary saving over and above all present expenditure indispensable to the recovery of freedom, produce in their minds all the moral benefit which has been found invariably to accompany accumulations in humble life in a savings bank. But may I adopt this system at Norfolk Island on first landing on it? or must I await further instructions?

It is to be regretted that at Norfolk Island the scope of productive labour is so small, that it will be difficult to show there that this system will be found eventually economical as well as morally improving and advantageous. Yet it is plain that the men's labour will be thus made free labour instead of coerced, and must thus combine all corresponding advantages in whatsoever sphere placed. Marks of approbation thus given for industry and exchangeable for freedom or for indulgences, will just be wages, and will equally stimulate to care, exertion, economy, and fidelity with them; and wherever these motives are placed, their results must be of the same character, though they must be more or less obvious in one place than another according to collateral circumstances.

I very earnestly solicit, therefore, permission to act on this system from the beginning. So soon as I have the materials for such a calculation, I shall endeavour to show prospectively the degree of economy (of positive saving of labour with increased productiveness in its results) proceeding from it, and which I shall expect to find a sensible quantity even at Norfolk Island; but, meanwhile, I trust that the higher objects in view may otherwise justify the innovation.

My wish is eventually thus even to abolish rations among the prisoners, by allowing their full value in marks, and encouraging the men to purchase supplies in their stead at the stores at their own discretion. I think the moral effect of rations is always bad, by taking the care of a man's maintenance out of his own hands, and either dissatisfying him by a deficiency in quantity or quality, or making him wasteful by a superfluity. But I do not press to begin with this till the men are otherwise brought into order and prepared for it; and the uncertainty of supplies at Norfolk Island will always interpose an obstacle to its complete adoption. I could wish it, however, kept in view.

(signed) *A. Maconochie.*

(No. 3.)

MEMORANDUM on Remission of Punishments.

THE system on which punishments are at present remitted in the penal colonies appears to me extremely unsatisfactory, and is in truth opposed to every principle on which the mark system has been recommended to, and, in all circumstances, may be considered as adopted by the Right hon. the Secretary of State. It is by the intervention of a large discretionary authority, and has every fault peculiar in all cases to such an intervention. It introduces uncertainty where there should be the greatest certainty, and unsettles men's minds precisely when it is desirable that they should be most composed, when they are condemned to punishment by a just sentence, and when the duty required of them, both for their own sakes and that of the community, is that they should evidence submission, sorrow, and a resolution to do better another time. Instead of this, they at present set about concocting every species of exculpatory or deprecatory misrepresentation; and the school in which they are thus trained being one of unblushing falsehood, it is often extremely difficult to unravel its folds, and the time and patience of the head of the executive are occupied and distracted by applications, his decision on which I cannot help thinking is calculated to do almost equal harm whatever it may be; if favourable, it furnishes another example of comparative escape from deserved punishment; and if the reverse, in nine cases out of ten it creates resentment and obduracy in the criminal; for no man is willing to allow that his case is materially worse than that of his more fortunate neighbour, both being probably based on falsehood or supported by it.

There is accordingly no portion of the existing system which appears to require absolute and complete change more than this. As it is proposed to alter the word "transportation" into "imprisonment," in order to escape from the associations connected with the former, so the term "remission of sentence" should be banished, I think, altogether from the improved vocabulary. There should, in truth, be none whatever; but the duration of sentences being made measurable by conduct under them, and not by time at all (or, if by time at home, that time made commutable, at fixed values, into conduct in prison,) no power should anywhere even exist in a subordinate authority to remit a fraction of it; but on the other hand, there should be not less certainty in the result of good conduct. The fate of every man should be placed unreservedly in his own hands, and his good conduct should command, not a recommendation for remission, but the positive advance corresponding to it towards recovered privileges or freedom. There should be thus no favour anywhere. Men can be trained to deserve their recovered freedom, not by favours, but by justice. Indulgences gained in one way corrupt and debilitate the mind even when stimulating it, while those gained in the other, in all possible circumstances, invigorate it.

I would propose, then, instead of any "remission of punishment," or of its accompanying disqualification, in individual cases, that its entire course should be broken uniformly into

into stages, to each of which, in succession, every prisoner should belong in undergoing his sentence; being in each subject to the restrictions, but, at the same time enjoying, of right, the immunities belonging to that particular portion of his passage through all. Thus, supposing an accumulation of 1,000 or 10,000 marks to be the fixed purchase of recovered freedom, below one number might confine to separate imprisonment, above that number but below another, to social labour through the day, with separate imprisonment at night, between other two numbers to social treatment both by day and night, and so forth. These stages should, I think, be multiplied, in order to keep hope and exertion active; but I do not now enter into details, I merely explain the principle.

I would not have the transition from one to another, whether up or down, marked necessarily by any magisterial interference. On the contrary, the marks constituting a species of current coin, the amount of their accumulation should carry its own consequences with it, entirely as of course. And, practically, men will probably be found to linger long about each separate line of demarcation. The novelty of the indulgences annexed to each higher step will at first seduce to extravagance, or may even in some cases betray into offence, and thus lead to fines, again placing them out of reach; and this course may be repeated even more than once. But it is thus expressly that self-command will be gradually strengthened; and although, practically, punishment will be inflicted for irregularity, it will be without the moral injury arising from incessant investigations and appearances before a magisterial authority.

As the men severally attain their freedom, the same general principles should be made to apply, though modified in detail by the circumstances. It would be out of the question to reduce free men again to bondage for a trifling irregularity; but on the other hand, the settlement, having a strong interest in maintaining a suitable check on the conduct of freed men waiting an opportunity to depart, should be provided with the means. For this purpose, then, I would propose that such, restored by the act of their emancipation to their individuality, and no longer connected with each other, should yet for a given time, if they wait so long, or until they depart if within that time, have work given them, and marks bestowed, according to their conduct, as before; and that Government should undertake, on their departure, to give them twice or three times the value, in money, of whatever accumulation they so make, over and above what they expend. By this means a further training would be given them; their freedom would yet not be invaded. Prisoners discharged in this way would nearly all carry a little money with them, the earnings of their individual good conduct, when extraordinary restraint was over; and the end of their treatment would correspond to the beginning, their hope, caution, and self-command being beneficially stimulated throughout.

(signed) *A. Maconochie.*

(No. 4.)

MEMORANDUM on the Formation of a Library at *Norfolk Island.*

THERE being no books at present accessible to the prisoners at Norfolk Island, his Excellency the Governor has been pleased to authorize the immediate outlay of 20 *l.* towards remedying this important defect. Many books, however, that would be of extreme value in such a situation, cannot be thought of with only this sum; and some others could not, probably, be procured at all in these colonies, or only at exorbitant prices. I subjoin therefore the names of a few of these, in hopes that they may be sent from England.

The respective series of the Farmer's and Mechanics' Magazines, I think would be eminently useful. I have practically known several examples of the minds of men in very humble life, and otherwise remaining illiterate, stimulated to considerable activity in their own lines by suggestions taken from these books. And, besides the valuable abstract effect thus produced, the scheming and contrivance for the future encouraged by it appears to me eminently calculated to wean from vicious retrospections, and fix the attention on honest methods of existence subsequent to discharge.

For the same reasons a tolerably good Encyclopedia would be desirable, with Loudon's three works of the same character, on Agriculture, Gardening, and Cottage Architecture. Davy's Lectures, or some other work on agricultural chemistry, would be also valuable. The Industrial Series of the Useful Knowledge Society, other economical works of sorts in particular, guides in the common arts of life, as brewing, baking, farriery, &c.), Cobbett's Cottage Economy, these, and such like, would be all valuable, even though of unequal merit. It is not the absolute instruction that may be thus obtained (though that (also would be an acquisition that I have here chiefly in view. Beyond it is the interest that may be thus given to abour and contrivance, by exhibiting their actual results, and suggesting other probable ones. An uneducated man is newly born when his mind is thus awakened to observation and intelligence even in the homely sphere to which his labours may be confined.

I need not specify moral and religious works. They should be of various kinds, narrative as well as didactic; and I have no objection, but rather the reverse, to books being included in them, even of controversial divinity. Polemical discussions are sometimes inconvenient;

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inconvenient; but I do not dread them, for they are nearly always, I think, improving. They open the mind to a perception of the value of minute distinctions, and fix it on its highest interests, even through the medium of error. Wherever a taste for them prevails, accordingly, as in Scotland, Switzerland, &c., it is always found accompanied with other good qualities; while on the contrary, where they are despised, as in France, or crushed, as in Spain, the national character seems to suffer. I would thus not encourage them; yet, where denominations are otherwise on a footing of perfect equality, I should have no fear of them, even in a prison. It is the secular arm that puts the sting into religious difference; nor is there any principle of my management to which I would attach more value than to this (though it is here expressed out of place). I would expect the cordial co-operation of all denominations in the most interesting of all tasks, the more interesting that it is a strictly tangible and practical one, in which their respective success can be measured exactly. But I would in turn study to deserve personally this co-operation by treating all with unreserved cordiality. I believe that there may be error, because there must be imperfection in the religious faith of the best; but that the degree of this error is not vital in any Christian denomination, seems demonstrable by the best fruits of faith, good works being evidenced by all.

Narratives of a moral tendency would be all likewise useful, especially where (as in Robinson Crusoe, for example) they teach energy, hopefulness in difficulty, regard and affection for our brethren in savage life, &c. And a good collection of voyages and travels, in particular, including Cook's and the modern missionary, and other Pacific Ocean voyages, would be for the same reasons important. The mind of the whole white race in this hemisphere wants softening towards its aboriginal brethren; and nothing seems to me better calculated to supplement a sense of duty on this head, than a familiarity with narratives in which they are placed in important and interesting situations, without, at the same time, pointing out, with too much affectation, the object thus in view.

English history, whether general or special, as naval, military, &c., would all be extremely valuable; and a good collection of the most popular national poetry would be not less so. I would specify, in particular, Dibdin's and Moore's Songs, Burn's, Scott's, and Crabbe's Poems, the Waverley Novels, Miss Edgeworth's Works, Miss Austin's, Miss Mitford's, Horace Smith's, &c. I should attach even special value to such a collection; and I would rather make it extensive than scrupulously select. I think the object a very important one of thus, and by every other suitable means, investing country and home with agreeable images and recollections. They are too much wanting in the individual experience of our lower and criminal classes in the present day; and they ought to be supplemented. A love of country, and tender recollections of it, are among the purest of human feelings; and in my close observation of the prisoners in these colonies, I have always found them conspicuous in the best characters, and deficient in the worst. I believe them thus to be important elements in the distinction between these; and where the specific object is the improvement of individual character, they deserve accordingly specific cultivation.

I am more doubtful of a national theatre, yet Shakspeare's Plays ought to be included; and I would not myself object to any, though I fear, rather than hesitate, to recommend many more. The English drama is often licentious; but substantially its tendency is moral; and I extremely doubt the value of any virtue founded on ignorance, or the mere absence of licentious images. Besides, dramatic representation is a portion of the natural sequence in training the mind from complete ignorance up to knowledge, from the necessity of being read to, to the power and pleasure of itself reading; and it is thus by no means an advantageous circumstance that it should be so much proscribed, in many influential quarters, as it now is. Its average quality is deteriorated by the very want of their countenance.

These remarks and suggestions, will not, therefore, I trust, be considered out of place on this occasion. However sanguine I may be as to my eventual success in bringing round, and at least much improving, the vast majority of the prisoners confided to me (and I am very sanguine), I am yet in no degree blind to the many essential difficulties in the task. And I should be unworthy of having it confided to me, if I had not definite opinions on the subject of the best means, or if entertaining, I refrained from expressing them. There is no one of these means either, in my opinion, more important than the providing ample mental recreation for them, suited to all tastes, adapted to all capacities, not too exclusively instructive, therefore not to a beginner formidable; but they calculated to give their first development, in many cases, to powers which I believe to be, even in the most apparently stupid individuals, not so generally non-existent, as unawakened minds thus once touched will expand almost as the tree shoots.

It would be important that some of the principal works came out in duplicate, and that the whole should be stoutly bound, or half-bound. To give interest to their perusal, it is my intention to extend the privilege of it only to those (not in actual imprisonment) who are willing to sacrifice marks for the advantage; and I should be glad if these marks, taken at their current value, were allowed to constitute a library fund for its maintenance and increase.

(signed) *A. Maconochie.*

(No. 5.)

MEMORANDUM on the Expediency of Cultivating a Taste for Music in Prisoners.

Few positions are more readily admitted in conversation than those which maintain the humanizing powers of music; yet in England scarcely any practical results are founded on them. In dealing with criminals especially, however, I am convinced that this is much to be regretted. Music is an eminently social occupation. Including performers and listeners, it employs many individuals together. Its acquisition is difficult, and it therefore cultivates patience and perseverance. High perfection in it, in conjunction with others, can only be obtained by means of strict order and subordination; and it cultivates, therefore, these qualities also. It is of itself elevating and ennobling; and is, besides, combined frequently with high and elevating poetry and sentiment. It is sometimes thought to lead to drinking; but this, where true at all, applies to rude rather than scientific music; the waste, not the cultivation, of good natural taste and powers. The most musical people, as the Italians and Germans, are thus sober, rather than drunken; and the effects of national and plaintive music in keeping up patriotic, and other kindly and improving feelings, require only to be adverted to. Lastly, the development of musical powers furnishes individuals with a large stock of future amusement and occupation, not involving fatigue, but rather cheering and alleviating it, and it would be thus an eminent advantage to those who have once shown social weakness, and whom it is therefore peculiarly desirable to discharge with minds weaned from former low amusements by a capacity for others higher and less dangerous.

Accordingly, I wish much to have the means placed within my reach, whether at Norfolk Island or elsewhere, of acting on these views. I should wish seraphines, at least, if not organs, allowed for our churches, with an assortment of the usual band instruments; I am quite certain that they would be important accessories.

(signed) *A. Maconochie.*

(No. 6.)

MEMORANDUM on the Expediency of sending Female and Juvenile Convicts to the same General Establishment with Male Adults.

The Secretary of State has not yet, I believe, expressed his intentions regarding female convicts under the new system; but I fear, from various circumstances, that it may be proposed entirely to separate them from the men. And as regards boys, the inspectors of metropolitan prisons in England, in p. 108 of their third report, express an opinion, that it is "impossible to combine a good juvenile with an adult system of discipline." I differ, however, so entirely from any views that would dictate either separation; and the principles on which this difference is founded, seem to me so important, that I feel it indispensable to advert to the subject with some formality.

All systems of purely coercive discipline are to a certain extent unnatural. They interfere with the freedom of individual action which men feel instinctively to belong to them; and hence the strong rebound against them, which makes an increasing aggravation of their disabilities imperative, precisely as they become otherwise improved, and has led to the popular modern doctrine, that men, women, and children can only be beneficially treated either in absolute seclusion, or in the nearest approach to it that we can reconcile to those feelings of humanity which, being anterior to all reasoning in the human mind, cannot be altogether put down by it. But when we start from a different point, and pursue a totally different object, our results will equally differ. These being the conclusions arrived at, by systems of vindictive and exemplary punishment, they cannot be the same with those dictated by a desire to make it individually reformatory. And the two will be found accordingly, to vary almost throughout; and not less in the subsidiarp arrangements and apparatus, than in the object proposed by them.

These observations, then, are of general application in this subject; and besides their immediate purpose here, they will account for a fact recently pointed out to me by his Excellency the Governor, viz. that the reasons alleged by me against Norfolk Island being made the scene of my labours, are precisely those which, under the views suggested by a different system, have recommended its selection. The truth is, that this could hardly be otherwise. Nature is uniform in all her arrangements; and if we seek to stem her stream, we must lend all our effort to elude her inherent tendencies, while, if we are content to go with her, we may seek by every means to avail ourselves of them. "Separate men" is accordingly the language of those who desire to find them weak, and overcome them; but "combine them," is that of such as desire rather to improve their strength, and guide it. Providence has placed man in the midst of women and children in ordinary life; and they, on the other hand, are there also beneficially made subject to his influence and authority. But those who are thus joined, the docile student and pupil of the "ways of Providence" will not hope advantageously to separate. The object of an improving discipline will thus not be

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to sequester from temptation, but to strengthen against it; and its apparatus will not be ascetic, but social.

In conformity with these views, I have accordingly explained elsewhere (Book, p. 128,) the general principles on which I would manage women. They should begin, equally with the men, with separate imprisonment, and work their way out of that into the other stages of their discipline, by the gain and accumulation of marks; but I would from the very first introduce a species of communication between the sexes, by placing their respective cells along opposite sides of the same churches, so that the instruction given them should be so far in common. I am persuaded that a thousand softening influences might be thus communicated, and a mutual regard and consideration be generated, the slightest spark of which, however inappreciable to external observation, would yet favourably influence their after intercourse. In the stage of social labour through the day, but separate imprisonment at night, they should further, under regulation, have permission to be seen and visited, so as to have a chance of engagements, in their next stage, as wives or servants. In passing into social probation, they should either form parties among themselves, or if married be attached to their husbands; or be otherwise associated, at their own choice; but always on the indispensable condition that the whole rose or fell together. And they should regain their freedom only on the general terms; arrangements being at the same time made to give full value to their party for their good conduct, if not even rather an advantage, in order to induce the better classes of married prisoners severally to take charge of, and be associated with them.

And the boys should be treated in the same way. Their first cells should also be opposite to the men's in the churches, or all three might be combined in each church. In their first two stages they should be assiduously taught reading and handicrafts; and their progress through should be regulated by marks, especially given to order and subordination. It is more difficult to restrain the petulance of youth than to overcome all its other faults. Formed afterwards into parties, they should be distributed into service, or apprenticeship, as occasion offered; and care should be taken that their good conduct also should fully reward those who might take charge of them, and consent to be associated with them.

That such a system as this, where fully developed, would satisfy every reasonable expectation, I have no doubt. All would thus benefit by the presence of all; and it is somewhat a remarkable circumstance that, almost as I write, the following passage, for a different purpose, has appeared in a Sydney paper. With the sentiments expressed in it I entirely concur:—

"*Disparity of the Sexes.*—It is vain expecting improvement in the morals of this colony, except on a basis of families, and the exercise of the relative and domestic duties. On the great charities of life, that is, on the establishment of families, depends all morals; it is the law of nature. The family, consisting of husband, wife, and children, is the cradle of order and morality: a house full of unmarried men is the cradle of disorder and immorality; it is confusion. The laws of God and nature are set at defiance by such a fictitious and artificial state of society."

(No. 7.)

MEMORANDUM suggested by Lord John Russell's, Lord Howick's, and Sir Richard Bourke's several Minutes on Transportation.

For the Minutes on Transportation, vide Papers ordered by the House of Commons to be printed, 27 August 1839, No. 582.

HAVING been favoured with a perusal of the above minutes, and observing that they rather invite further communications, than express decided conclusions on the part of Her Majesty's Government, I beg to offer the following remarks on various points adverted to in them.

1. It gives me great pleasure to observe that the principle of social management is adopted in them; for, almost whatever the details connected with this (even those of the hulks), I am persuaded that it will be found to operate beneficially; yet it is very desirable that the details should also be made theoretically promising; without this no experiment can be quite satisfactory.

2. I have elsewhere expressed at such length my opinion of the ineligibility of Norfolk Island as a permanent station, that it may seem unnecessary now to revert to this topic; yet it may be worthy of remark, that the superficial contents of the island are only 9,000 acres, instead of 17,000 here specified; and that, although undoubtedly most fertile in character throughout, and as yet only in part cleared and cultivated, it yet cannot, in prudence (in the opinion of the agricultural superintendent, of whose intelligence every successive commandant speaks in the highest terms), be much further brought in. Though the climate is generally genial, it is characterized by occasional blighting winds, against which the existing woods are required as shelter; their removal would further, probably, affect the annual fall of rain in dry seasons. The cattle depend much on their leaves for food; and there is no fuel but what is supplied by their thinnings. The productiveness of the island is thus already probably nearly at its maximum; it can never export anything worth consideration; it must always depend largely on importation. It has no harbour,

and

and can have none made; no considerable government works can ever be required or undertaken on it, as on Bermuda, for the employment and repayment of labour; and thus, after a few years, when the requisite accomodation is obtained, the men must all be set to spade husbandry, the least useful and most monotonous employment that could easily be devised for them. It will not prepare them for the future by acquainting them with varied and compendious processes of labour; and by excluding the use of machinery, it will deprive their industry of the interest, and their minds of the development and activity produced by witnessing and employing ingenious mechanical devices. Instead of enlarging their powers, and increasing their future resources, such a training will cramp and fetter all.

3. By transferring the head-quarters of the system to Tasman's Peninsula, or even though much inferior, to King's Island, this whole picture would be reversed. Both these stations appear to me much superior also to a new penal colony on the north-west coast of New Holland. The distance from the other colonies, the tropical climate, and indefinite extent of this latter, would all, I am persuaded, operate against success in it; yet, in any case, I think that it would be found desirable to retain Norfolk Island in its present character, as a receptacle for second and third convictions, and other extreme cases. Escape from it is nearly impossible; a very slight guard, properly posted, will give it all requisite security, and a very little labour (all that can be expected from the worst characters) will yet go far there to maintain them. As an hospital for incurables it thus seems perfect, though quite unsuited as a place for preparing men to return to society.

4. In regarding the question of transportation comprehensively, and assuming the principle of social management to be adopted, the first point requiring decision on the part of Her Majesty's Government appears to me to be, whether it will work the training parties in the existing colonies, according to my original proposal, or carry out the whole process in a separate establishment, as recommended by Lord Howick. The difference is one of great moment, and the conclusion come to on it will affect many following details.

5. The first plan would lessen the immediate loss to the penal colonies of prisoner-labour in domestic service. It would also secure to all new Australian colonies the advantages, from its qualified use, contemplated by Sir Richard Bourke; for each of these, as well as the old colonies, might have one or more detachments sent to it on its requisition to the head establishment, and also, as I think, on its agreeing to pay a fair price for the assistance so derived. I think that both moral and economical advantages would ensue from this portion of such an arrangement, for it would stimulate the superintendents of prisoners to make their parties efficient, in order to keep their value in the labour market; it would afford a measure of their success in this, and it would fairly contribute to their expense. On the other hand, the second plan would be simpler, less immediately expensive, if not ultimately more economical; and it would, besides, assist the men to disperse, after their sentence expires, where their crime would be unknown, by protecting them from being seen while in their penal condition in the neighbouring colonies. This last consideration is undoubtedly of great importance; yet, it may be worth observing, that, at a distance especially, it may be over-rated. I think that a more merciful view of early crime may, and probably will, and undoubtedly ought, speedily to take place in the public mind in England and elsewhere, for many of the early criminals are much more unfortunate than vicious. And this will be strengthened by penal establishments coming to be generally recognized as successful schools of labour and reform. In these cases, then, and in the Australian colonies especially, where already tolerably conducted ticket-of-leave men are preferred as farm servants to free immigrants, from their greater knowledge and experience, the recognition in question will not operate seriously to a man's economical detriment, if, indeed, it may not prove in many cases his boast, and a foundation of success; but there must always be some moral injury from it.

6. Whichever plan is followed, the department should, I think, have one considerable central establishment, and one head, in order to preserve uniformity in its general processes; and this head might also, if the first plan be adopted, be directed to collect, and, as far as he can, reason on "the movements of crime" in all the colonies in which his men are received; very important conclusions in discipline and government may thus, I am persuaded, be obtained. If even for a time they should only be theoretical, or be considered wire-drawn, or, it may be, false altogether, still the data on which they are founded, and the processes of reasoning by which they are obtained, will be valuable contributions to moral science. This subject is further developed in my Book (pp. 57–9), and in private letters which I addressed some months ago to Lord Howick and Mr. Crawford. I think it is important.

7. The next point in relation to transportation, on which an early and well-matured decision on the part of Her Majesty's Government is pressingly required, is, the object to be in future preferably pursued in it; shall this be example to society, or reform to the individual? I most earnestly recommend the last. I consider this indeed even an elementary principle in social management. I feel quite certain that by aiming at reform almost exclusively, all that is attainable of both example and reform will be compassed, whereas by preferably pursuing example both may continue to be lost under any management; but at least a deliberate conclusion on this head should be early come to by authority.

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rity. I do not think it possible for the two objects to be beneficially combined as of equal value. We cannot appeal effectively at once to the best and most dastardly feelings of our nature. Fear casts out love, as love fear. If we excite the one, to that extent we must neutralize the other; and the entire result of even the best contrived moral mechanism may thus be negative. The servant who hid his talent in a napkin did so, "because his master was a hard man, and sought to reap where he had not sown, and gather where he had not strewed." It is impossible to set the effect of (supposed) harsh usage in a more striking light than is thus afforded, or to show more clearly its neutralizing effect, even when accompanied by substantial benefits.

8. I do not mean, at the same time, by these remarks, to oppose all consideration for example in punishment. I think that the value in this, apart from principle, is for the most part, prodigiously over-rated; yet I oppose simply its being sought apart from, or at the expense of, individual reform. It is no light example to make of a man to carry him from his country, and condemn him to work out his liberation at the extremity of the globe, by a large accumulation, proportioned to his offence, of marks, the mass of which must be gained by substantial labour and service. But this treatment, if made subservient to his reform, will not only not injure, it will even greatly benefit him; and it may therefore be properly inflicted on the strictest social or benevolent principles. It is not so with labour made studiously rude or irksome, or so as to be unnecessarily disagreeable to him; this is to injure, and in so far sacrifice him to the (supposed) interests of others, and seems to me, therefore, most objectionable. I am confident, indeed, that it does not serve the real interests of any, and is thus an entire mistake. It is of the nature of the gibbet and pillory as instruments of aggravated punishment, and ought to be laid aside with them.

9. So also with the long duration still proposed for punishment. This looks back, and not forward, and for this cause alone it may be reasonably objected to in a reformatory system. But there are many other objections to it; by keeping men long out of society it unfits them for it, and by removing the prospect of legitimate release to too great a distance it either causes them to acquiesce in their penal condition, accommodate themselves to it, and cease to desire to rise above it, or else it makes them seek to break away from it by desertion. In either case it inflicts a great moral injury on them, and it is thus remarkable how many collateral interests are served by social principles of management, which are sacrificed by all others. For example, short punishments are economical (this is observed by Lord John Russell), while long ones are expensive; reformatory punishments are even more than economical, they may be made sources of gain and revenue, the gain of good men for bad, and of their willing and valuable service while with us, instead of their compulsory and useless labour. So also labour, with the aid of suitable machinery, is doubly valuable; its immediate results are greater, and the interest taken in it, and lessons taught by it, may make permanently useful and industrious men, while rude, irksome labour is at once useless and disgusting, *et sic de ceteris*. There is perhaps no point more certain than that the humanizing of penal science will reduce its cost to the public as well as to the individual, nor is any more captivating than the belief that this minor advantage will be the indication of many more substantial ones, and will not be gained by their sacrifice.

10. I very much regret to observe that a measurement of punishment by time, not commutable into conduct, is still adhered to, both in Lord John Russell's and Lord Howick's minutes. This is most decidedly anti-reformatory in principle, besides the objection that I presume to offer to the length of time proposed. I also somewhat more than doubt the expediency of introducing three elements into consideration in a man's training: his crime, and character previous to conviction, as well as his conduct in prison. The first ought to be expiated in the previous, or punishment, stage; testimony regarding the second is always of very doubtful value; and the third alone appears to me sufficient. I further regret, extremely, to see in this place the words "mercy" and "remission of punishment" introduced. As I have elsewhere argued at greater length, such ideas ought, as much as possible, to be banished altogether from our improved code: they are injuries in disguise. Let us make our punishments lenient, but certain; and offer our prisoners, not favours, but rights, on fixed unalterable conditions. In the one way we shall train up free and independent men, qualified again to take their place in free society; in the other, every one acquainted with the existing penal colonies must be aware that only unblushing supplicants are created, eye-servants, men who are constantly on the watch to obtain a recommendation for petty services, and who have not the least idea of the reserve with which a conscientious man will always give one.

11. No notice is taken in these minutes of my proposal, that marks of approbation should be made commutable into present indulgences, as well as available for ulterior release; but I earnestly hope that this may also be favourably received. Nothing will train to self-command so effectually, or more complete the assimilation of penal to real life, which I think so important; and I particularly wish to be enabled thus even to sell spirits. If the principle be right at all, it should be carried out. If any form of temptation is withheld, against that temptation our prisoners will go forth unprepared.

12. In my private letters to Lord Howick and Mr. Crawford, I have suggested the fixing on all criminals under the new system a small private brand (as between the toes, or elsewhere),

where), which shall be invisible unless specifically sought for, but yet shall identify cases of second conviction in any part of the world. And this may be worthy now of official consideration. If approved of, it should be affixed immediately on conviction, in which case it would add much to the dread of conviction; and it should not be lawful to seek for it on a man's person until after conviction on any subsequent charge, so that it may not operate to his prejudice on trial, though it should affect his treatment afterwards, and probably also his sentence. With this reservation, I think that it would be useful, and not improperly harsh. The object of detecting renewed convictions, in a reformatory system, is very important; and however minute the mark were made, and the more minute the better, it yet might be so varied as to express degrees of offence, and thus not bear unnecessarily harshly on minor offenders.

13. With this hold over early criminals, I would abolish entirely the system of ticket-of-leave, and discharge men quite free from the training establishments. The ticket-of-leave, however secured, must always be a very dangerous position to the criminal, and it is expensive to the state to maintain. It impedes dispersion also, and the disappearance (from the known ranks of crime altogether) often of the best men, because the most ashamed of their early misconduct. Necessarily confining released criminals, too, to certain colonies, it will retain to these colonies that penal character which it is much to be desired that they should lose.

14. With the various changes, then, of system thus contemplated, I am far more hopeful than Lord John Russell appears to be of the moral result. His Lordship seems to fear that it will be impossible to relieve the Australian colonies of the eventual presence of transports, without inflicting a corresponding evil on England; but I am persuaded that such relief will speedily be recognized, both by themselves and others, as otherwise calculated to be the greatest possible injury to them. I certainly differ, though with great deference, yet most widely, from Sir Richard Bourke, when he considers that many convicts are at present morally improved; for, on the contrary, though some are rendered submissive, acquiescent, and reasonably well-conducted, and this, where a low estimate is formed of their original disposition, may be considered reform, yet, as moral agents, they are all, I am persuaded, rendered worse by it than when they came out; at best, they merely fear detection, or are otherwise kept by favourable circumstances, or worn-out constitutions, easily and passively in the right line, with scarcely effort on their own part, or temptation to deviate from it. But there are far higher capabilities than this in our criminal population if we only seek to develope them aright, and will aim sufficiently high in doing so. So far from being a curse to the Australian colonies, our discharged prisoners may become the great source of their wealth and strength, both moral and political, and may be the means, moreover, of beneficially spreading the English name and language over the whole vast Pacific. They have a large debt, on this score, at present to repay; but they are equal to the effort, I am well persuaded, if not too hastily deemed unequal. If we do not spare the schooling, we shall not miss the reward.

15. In laying the foundations for such a result, I have omitted to notice the necessity of sending women, as well as men, to the reforming stations, and single women (unmarried or divorced), not such as are fettered by distant ties. This portion of apparatus appears to me, at the same time, of extreme importance, and I have elsewhere adverted to it at length; it is thus necessary here only to notice it. It does not appear from these minutes to have engaged attention at home at all.

(signed) *A. Maconochie.*

Sydney, 7 February 1840.

APPENDIX to a MEMORANDUM (No. 5), from Captain *Maconochie*, enclosed in Sir *George Gipps*'s Despatch (No. 28), dated the 25th February 1840.

Sir, Sydney, 19 February 1840.

AN essential portion of the system of management which I am desirous of introducing into Norfolk Island being to make money by whatsoever means, thereby setting the example and instructing in the processes of as many forms of productive labour as possible, I have the honour to report to your Excellency that I have purchased a quantity of modern manuscript music, and blank music paper, the entire stock of Mr. Ellard, music-seller, now leaving the colony for England, and that it is my intention to employ in copying music such old, lame, sick, or other infirm prisoners under my care as can be instructed in it, and such others as may be willing to gain marks of approbation by so employing their hours of rest from more severe labour.

I am assured, and believe, that by an immediate outlay of 46*l.*, I have thus acquired the means of realizing from 200*l.* to 300*l.*, besides being enabled in part to supply a want much felt in these colonies of modern music for sale, and bestowing on many prisoners a means of profitable sedentary labour, both before and after their discharge, which they often much want, and which in after life may contribute both to sober and elevate their habits, and to maintain them.

I was unable to take your Excellency's instructions before making this purchase, because Mr. Ellard's stock being sold by auction, I was compelled to decide on it at once

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or lose the opportunity of making it, and my first intention was accordingly to take it on myself without troubling you at present in regard to it; on second thoughts, however, the principle involved in it seems an important one, and I avail myself of the opportunity to bring it generally and officially under your consideration.

In a reformatory system there is no point of more importance than the multiplication of forms of productive labour. It will prevent immediate idleness in any, for those unfit for one employment may be thus set to another; and besides the habits and example so produced of constant occupation in any circumstances, the means of honest subsistence to the prisoners after discharge may be in this way indefinitely multiplied. Accordingly in contrasting Norfolk Island with Tasman's Peninsula as a situation for an establishment, I have especially dwelt on the greater facilities afforded by the latter of so multiplying and diversifying employments, and have adverted, among other topics, to the greater profit that may be thus derived from prisoner labour. But, as in the present case, it is impossible to enter on such a place without some first outlay. This amounts now to only a few pounds, and in Norfolk Island, altogether it could not probably exceed 100*l.* or 200*l.*; but at Tasman's Peninsula, or even King's Island, it might amount to thousands and the principle ought thus to be contemplated early.

I have little doubt that after a time another arrangement might be made, which, to a considerable extent, might avoid this one. Private capital might be admitted into our penal establishments under adequate regulation, the Government finding only buildings and labour at a fixed rent; and besides the greater simplicity that would be thus given to the public accounts, it is probable that work so conducted would be more varied, more judicious, more enterprising at the same time, and more economically, therefore more instructively, prosecuted by private hands than under any public management; but in the beginning it might be extremely inconvenient thus to let in private individuals before the details of public discipline under a new system were fully matured, and such a course could not be immediately recommended.

With these observations, therefore, I have the honour to place my present venture, as it may be called, entirely in your Excellency's hands. If you can immediately approve of the principle of it, I should wish much to extend its amount, say to 100*l.*; the difference to be laid out in the purchase of a turning lathe and other superior cabinetmakers' tools, to be employed at my own discretion, and independent of the tools in the Royal Engineer store applicable to the public works on the settlement. With the power of giving superior employment to ingenious individuals which these would give me, and the stimulus to extra exertion and ingenuity which the system otherwise places at my disposal, I think that I may be enabled extensively to develope industrious habits, even among some hitherto considered infirm and nearly useless; but if your Excellency should not be at once prepared to sanction the introduction of what may be considered so great a novelty into the public accounts, may I at least hope that whatever outlay I may thus make myself may be considered a debt against any results I may produce from it, and that I may experience no difficulty in being repaid from the first funds received from them? I suggest this latter alternative solely because I feel that I ought to have taken your Excellency's instructions before I made any purchases in this way, but, as I have already explained, the occasion presented itself unexpectedly, and I could not delay the opportunity of availing myself of it.

I should be happy if the general question were brought, with others connected with our establishment, under the consideration of the Right Honourable the Secretary of State.

I have, &c.

His Excellency Sir George Gipps. (signed) *A. Maconochie.*

— No. 12. —

(No. 30.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

No. 12.
Sir G. Gipps to Lord J. Russell, 27 Feb. 1840.

Government House, Sydney,
27 February 1840.

My Lord,

AT the request of Captain Maconochie, I transmit to your Lordship the accompanying account of King's Island, in Bass' Straits, contained in a report addressed to Colonel Arthur, Lieutenant-Governor of Van Diemen's Land, in (I believe) the year 1828 or 1829.

Account of King's Island.

In my despatch of the 23d November 1839, (marked separate) I reported to Lord Normanby that this island had been proposed by Captain Maconochie for a convict establishment on his own plan, in the event of his not being allowed to have Tasman's Peninsula.

I have, &c.

(signed) *George Gipps.*

Enclosure in No. 12.

SURVEY OF KING'S ISLAND.

TO his Excellency Lieutenant Governor *Arthur*.

Sir, Encl. in No. 12.

In the following report of the survey of King's Island, in the names used, I have taken such as were already given, or I thought most descriptive; of the latter only two or three, and those only used from a knowledge that, in a report, numerals rather perplex, far more so than a descriptive name.

Of the sixty-nine days I was upon the island, forty-five were spent in exploring of the colony, either by land or water, and no pains have been spared on my part to give a complete *exposé*.

Presenting my duty, I have &c.

(signed) *G. W. Barnard.*

I. *Facility of Communication at all Seasons.*

1.—In the succeeding point for consideration, viz., "II. Anchorage and Shelter for Vessels," the first will be mainly answered, and therefore shall only observe that the island may be communicated with at all seasons, in one or other of the several bays on the then leeward side of the island.

II. *Anchorage and Shelter for Vessels.*

2.—In the whole line of coast there is not one bay or road in which a vessel would lie securely sheltered; the best (that at New Year Islands, of which I have furnished a chart,) is very open, and the ground foul, but in case the island is occupied, I would recommend that for the port, for the following reasons:

3.—First. There is a tolerable break for the sea in all directions except the N. W., and there also there is one, although very distant.

4.—Second. A vessel in a road that is at all open, a main question is, can she ride with the wind blowing from the open quarter, and if not, can she run from it. The riding at New Year Islands is sheltered with the wind on shore. With the wind N.W. blowing into the road, a vessel, if she found the riding heavy, might slip and proceed to sea to the southward; and if she found the riding heavy from a southerly wind (which from the observation my short stay afforded, I apprehend would not be the case), she might, in like manner, slip and proceed to the northward. In two or three hours she would be under a lee, and in anchorage, on the north end of the island.

5.—Third. Although the ground is foul, yet there is room to drop an anchor and bring up. Chain moorings might be laid down for a vessel to take in, and then heave up her own anchor, and be ready to slip the moorings, if necessary.

6.—Fourth. Although not in the nearest situation for timber, yet the communication through the island has no impediment in the inequality of the ground, and this station leads into some very good ground and fine timber. *Vide* descriptive Map.

7.—Fifth. All the other bays have the objection of open riding, with the disadvantage of, should a vessel be caught by a sudden shift of wind, she must ride or go on shore.

8.—Sixth. There is plenty of wood and water.

9.—Seventh. The reefs afford the groundwork of artificial shelter, should the hereafter inhabitants deem it an object worth obtaining,

10.—The best riding is that of Seal Bay, which is very good as an open road, with all winds, from N. E. backing round north to S. S. E. or S. E. There is also a small rock and reef as a break against a wind direct in; but it lies at the extreme of the island, and has neither good soil or timber near. Its situation is only adapted for a stopping place, or for foreign vessels touching.

11.—Sea Elephant Bay I should prefer from it being nearest to the varieties of timber and soil, but it is very open; it may be called, for a vessel's riding, nearly a straight line of coast, the embaying being trifling, except at the south end; it has not even a good projecting point that would form a pier.

12.—All the bays to the eastward have this disadvantage: supposing a vessel sailing from the north end of Van Diemen's Land with a favourable wind (easterly) for King's Island, upon her arrival (should the settlement be on the eastern side) she would have to anchor upon a lee-shore; in like manner, when the wind would be favourable for her departure, then would be the only time fit for her anchoring. Again, a vessel sailing from the south end of Van Diemen's Land would require a southerly, if not south-easterly wind, and shifts of wind are most commonly round with the sun, so that the chances would be, did the wind prevail easterly and westerly, for equal spaces of time, that for three-

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three-fourths of the arrivals an easterly settlement would be a lee-shore; but with the winds as they are, I think the chances about equal.

13.—Cargoes of timber might be prepared on the eastern side, and a vessel, after discharging at the principal settlement, sail round with a westerly wind, take in, and be gone without delay.

14.—New Year Islands Road is but a few miles in a direct course from Half Moon Bay, which is a very good harbour for small craft, drawing six or eight feet water; it leads into the heart of the island; sawyer's stuff prepared there might be removed to the New Year Islands Road in decked craft, and it is a station which might be communicated with in a day, in the island's present state. I need not say any more on this head as the descriptive Map will shew the other roads.

III. *Principal Natural Productions of the Island, especially useful Timber, Stone, Materials for Lime.*

15.—Of the principal natural productions of the islands under the heads mentioned, the first, timber, is confined to gum. When I consider first-class timber, that which reaches to the size useful for all purposes of man, which when grown is from two or three feet diameter to eight or ten, it is chiefly blue gum, but there are the varieties of it, "narrow-leafed," "white butted" or "spotted," as it is variously called, and the "black butted." It is found of various growth in nearly all parts of the island, some of it remarkably fine. It forms the forest.

16.—Of second-class timber, of a diameter when grown fifteen inches to two or three feet, which is useful for spars, carpenters, wheelwrights, oars, &c., first is the "black and light woods" of the colony; the one, "light wood," called so at Hobart, is narrow, rather fine, lanceolate in the leaf, wood clean-grained, white in the sap, or outer part, and dark chocolate-coloured within, used for oars, naves of wheels, cabinetwork, &c.; the other, "black wood," is very similar in all respects except the leaf, which is twice as broad, rather obtuse at the end, and darker green, is applied to the same purposes; but the difference of name might cause confusion in my report without the explanation, although I consider them but as varieties the one of the other. This wood, "light and black," grows freely, and in some parts of large size; trees may be found upwards of three feet diameter; there is no forest or wood of it; it is found singly, or two or three together, in such situations as it affects, viz. moist or good land, scattered amongst the forest; but it is observable that where the "light wood" prevails the "black" does not, and *vice versâ*.

17.—The next is the specimen No. 2, which, at first view would be taken for "black wood," and I have but little doubt, but that in passing through the woods, that before I had observed the difference I have confounded them, and indeed they are so similar in general appearance that I may have done so afterwards; but in cutting into the bark the difference shews itself, being of a different texture and colour; the leaf also in the ribbing is different. The wood is of a good grain, free, has much the same growth and colour as the "black wood," affects similar situations, and apparently is applicable to the same purposes.

18.—The next is the celery-leafed pine of Van Diemen's Land, I suppose, but not having seen it growing there, am doubtful; it is numbered No. 3; leaf and wood as specimens. It grows to the diameter sometimes of two feet, sometimes more, is rather inclined to be knotty in the trunk in the small trees; it is fit for most of the purposes of pine, so far as its growth goes. It is found chiefly in hollows, on the banks of creeks, and most sheltered situations; in good land it never forms the wood or forest, but is mingled with the other trees.

19.—The sassafras is found in considerable abundance in some parts of the island, chiefly affecting moist situations and good land. In some parts the undergrowth is almost all sassafras. As a tree it sometimes reaches 20 inches or two feet, though rarely, in diameter. As a wood it is fit for furniture or turning, being white, light, and fine-grained; the young growth might serve for hoops. The use of the bark as a decoction is well known.

20.—The white wood is the same as the white wood of Van Diemen's Land, well known to furniture makers, to which purpose it is applicable; it is rather plentiful in the situations marked. *See* descriptive Map.

21.—The specimen No. 1, is a fine-grained light wood, growing to the diameter of two feet occasionally; there are two specimens, different in the leaf, but wood, bark, &c. so similar, that I have no doubt of one being a variety of the other, not distinct. The timber is fit for sawing, and for purposes where a white, light, fine-grained wood would be required. The bark I should consider as highly medicinal, a very small quantity (certainly I was fasting at the time) exciting nausea when I first tried it. It is amongst the forest in occasional situations, called "medicinal wood."

22.—The specimen No. 4, I found with its berries on, and whether a variety of the last, of which it is a great likeness, or not, I am unable to say; the specimen submitted was merely taken as a memorandum when crossing the island, intending to take a specimen on my return, but did not fall in with a tree that corresponded with it; and the specimen is merely submitted as having the berries, and being from the island. It was taken from a tree that was damaged in the top, of the diameter of nine inches. The bark is shorter in grain, more brittle, and very differently tasted from No. 1, above; the wood also appeared

appeared to have a yellow cast, and to be slightly odorous. It must, if distinct, be scarce in the island.

23.—Under the third class timber, that which reaches to the size of timber, viz. say nine inches diameter, and sometimes to near 20 inches, may be classed Honeysuckles, some of which on the southern end of the island are large, but killed by fire.

24.—The He Oak, same as Van Diemen's Land, scarcely reaches to the size of timber; taper and free in growth; is found in the mixed scrub on light ground.

25.—Prickly Mimosa, as Van Diemen's Land, small in its growth; found on the secondary lands.

26.—Tea Tree, of which there are two or three varieties, the paper barked, with white wood, affecting moist situations, low grounds, and swamps. The rose wood, still in moist situations, but more upland, different leaf, and the shrub.

27.—Mangrore, in saline situations; to no size as timber; scrubbed in growth; fit for knees; its ashes for soap manufacture.

Shrubs:—

28.—The Thorn grows freely, and of good size in some situations; it is the same as Van Diemen's Land.

29.—A shrub, of which there is a considerable quantity, of which I must speak frequently, I shall call the Hazel, to which it has a similitude; is found commonly in the creeks of Van Diemen's Land; it has an appearance between the Curryjong and the Hazel; is indicative of good soil on King's Island.

30.—Cape Barren Tea Shrub (of the sealers) makes an acrid, stimulating drink, perhaps adapted for the sealers when living upon what in other situations would be deemed carrion or refuse, but otherwise I think unwholesome; is very common on the coast.

Variety of the tea tree as a shrub Tea Shrub.

31.—Musk-scented shrub, same as Van Diemen's Land; indicative of light good land.

32.—Pepper Shrub, same as Van Diemen's Land; found inland, good soil.

33.—Stink Wood, grows in Van Diemen's Land, I believe; has somewhat the appearance of elder, with a very disagreeable smell; secondary land.

34. A shrub with a leaf much like a peach leaf; bears a fleshy, rather agreeable fruit, of the size of a buck-shot; on good land, not very common; small in growth, six or eight feet, rather handsome.

Plants of Note:—

35.—The Barilla, common on the coast, but not plentiful.

36.—Samphire, as a bush, found growing on the bank of the Elephant Bay rivulet, bearing a fruit plentifully, of the size of a large black currant. I mention it as to me it is entirely new; the growth is that of the samphire as a bush, of the size of a gooseberry bush. The fruit is pleasant tasted; is only found in the one situation.

37.—An unpleasant smelling viscous plant, called by the sealers Wild Tobacco; very plentiful on the hills of the coast.

38.—Moss, in great variety, in nearly all situations.

39.—Ferns, three kinds, exclusive of the tree, common fern, broad leafed, and the climbing fern, broad leaf; indicative of good land.

40.—Grass (specimens submitted), only three kinds, and a rushy grass.

41.—Stone is chiefly confined to rocks of the primitive order, viz. granite, and varieties of it, to schistose aluminous rocks; some of the fine-grained granite is fit for durable buildings, and would work under the chisel; that which is of a schistose structure would work freely in one direction, but the cross fracture would be a break; it would not dress; some of it would make good whetstones for scythes, knives, &c.; it might do for rough buildings. The latter rock is worn both by the action of the atmosphere and the sea; when exposed to both, without the wear of the latter, it honeycombs and forms into very sharp points.

42.—One kind of rock from the eastern coast is very singular, being a sort of conglomerate; if any farther volcanic appearance could be traced, I should suppose it lava. I leave the specimen, as a best description, only observing that what shows as small pebbles in the specimen, is in the rock frequently of large size, much larger than one's head. Some of it shows the presence of lime.

43.—The other stone is merely a formation, not arrived at perfection, being a sort of sandstone and calcareous secretion. There is also a sort of pudding-stone, formed by the deposition of the fresh water amongst the broken pieces of rock near the beach.

44.—Materials for Lime. The calcareous secretion and calcareous sandstone contain lime, but in small proportions; some of the rocks from the eastern shore (called the Bad Rocks) contain lime also, but none in proportion to be used as limestone; there are the marine shells, but not thrown together in any considerable quantity.

IV. *Rivers or Streams.*

45.—There are streamlets on both sides of the island, but none that are worth classing as a rivulet, except to the northward of Sea Elephant Bay, which is a bar-mouthed

NEW SOUTH WALES.

rivulet, at low water well within the bar about 20 to 25 yards wide; but at high water the tide overflows the sands at its entrance, and it is then from a fourth to a third of a mile wide. It runs inland for nearly one mile, when it trends northward in the line of the coast for about half a mile, and then takes inland again, leaving a shallow branch northward. It is a wide pond until it turns off, when it winds a small stream among thickets. The ground about it is low. It is much frequented by black swans, ducks, &c. After an easterly gale oysters are to be found at the mouth, washed I suppose from the reefy rocks of Counsellor Island. Time of high water is nearly the same as the west side, but the rise is greater. The water upon the bar at low water, where we crossed, knee deep; a smart run.

46.—The others are mere streamlets, which are frequently barred up by the sea altogether, leaving the water to percolate to the sea through the sands. But every bay nearly contains fresh water, mostly as a run.

V. *The Quality and State of the Soil; fitness for Tillage, Grazing, &c.*

47.—The soil generally may be considered very light, that towards the coast especially, but there is some of excellent quality and staple, fit for heavy crops of corn; but all of good quality has timber and undergrowth to clear away before tillage can come. As to grazing, in the interior there is no grass at all, and that found towards the coast is a poor wiry tufted grass, containing not much succulence or nutriment; the only kind of much nutriment is a grass in miniature, on which the wollabies feed, growing in little patches near the sea, where the fresh water flows, and in a few other parts where there is vegetable deposition, so that sheep or cattle removed from the fat pastures of Van Diemen's Land would fall away and scarce subsist. Tillage must precede grazing, except on a very small inefficient scale. Samples of grass are with the specimens.

48.—Herbs there are few; a kind of vetch, amongst the chief, much eaten, but I think most by insects.

49.—The soil of the coast, although very light, is well capable of producing garden stuff. The worst soil is that of the heathy plains, with the exception of some of the hills of the coast, which are drift sand.

50.—The land after passing the hills of the coast is level, so much so that the centre part of the island rise or fall is not perceptible in walking. The descriptive map will show the different kinds of soil, &c.

VI. *Climate.*

51.—It is mild, but varies much in temperature, which is rather singular, situated as it is, and by no means a large island. I have extracted the range of the thermometer, wind, &c., from my journal as a separate article. I consider it as humid from the very abundant growth of moss and rushes, even upon the sand hills, amongst the wiry grass, so that upon the introduction of good grasses, I think the hills of the coast would furnish good sheep feeds.

The atmosphere, during the prevalence of an easterly wind, was thick, misty, and evidently full of moisture; with an easterly wind the dew sometimes (from the manner things are wetted) resembles rain.

52.—Rain generally fell in showers with squalls, sometimes heavy but not continued; if there was a continuation of rain it was generally small. Hail fell two or three times. There was during my stay two or three thunder storms, two of them rather heavy, besides distant thunder. One morning the temperature was so low, that just at peep of day it looked a slight hoar frost. The thermometer in the tent at 42°, the lowest I noticed.

VII. *Animals.*

53.—Kangaroo with a light-coloured fur (wallabbies, a small species of kangaroo); opossums, common and ring-tailed; the tiger-cat same as Van Diemen's Land. Dogs, rats and mice, porcupines.

The kangaroo are by no means numerous, but the wollabies are, on the western coast, in parts almost like rabbits in a warren. To the above may be added the native cat of Van Diemen's Land. In so closely wooded a country the animals are not easily seen, and I was disappointed of my dogs, so that my acquaintance with them was small. A stray sea elephant or two still frequent the coast; formerly there must have been great numbers, from the bones scattered upon the beaches and the try works for their oil. The seal rookeries are marked in the descriptive map. Snakes are very common on the coast; chiefly black, some diamond.

54.—Birds. Black swans, ducks, teal, snipe, quail, pigeons, a bird (No. 1, described beneath), crows, magpies (Van Diemen's Land), white cockatoo (specimen submitted), cockatoo, common dark, bluish green parrot and parroquets, the thrush, blue-headed wren, and some other small birds. Common hawk; alarm bird, described below. The sea birds, black and pied red-bills, sooty peterels, gulls of different kinds, sand-larks, gannets, fish-hawk, and two or three other kinds.

55.—Bird, No. 1 called by one of the men who had been at Macquarie Island, where they are in great abundance, a widgeon). In size between the quail and partridge; rather long legs and toes; bill in length between the pigeon and snipe; colour a dash of dull white from the nostril, back over the eyes; dull white under throat running into a lead colour, bordered sharp by brown at the breast and back of the head; sides of the neck, brown, barred with black and white; black and brown, spotted with white down the back; black

black and white barred under the belly ; top of the head black feathers edged with brown. Wings black and brown ; a short tail. Upon the whole a very pretty bird, delicate eating.

56.—The cockatoo, which is sent with specimens, was shot by me returning from an excursion, being the first of the kind I had seen. It is a female; had been sitting, and was moulting ; this and the carriage in a knapsack has made it a very sorry specimen.

57.—The alarm bird (I believe frequents the coast of Van Diemen's Land) is in the body not so large as a partridge ; bill rather long than short ; long legs ; black front and back, with reddish sides the legs; expanse of wing near two feet and a half; a flight like that of the hawk ; a large dark eye, pupil surrounded with yellow, and two skinny leaves of yellow in front of eye, somewhat like the wattle birds, but the one leaf is up erect, the other down ; they extend well on to the bill, which is yellow, with whitish ends. Head black, throat white, with edging of black down near the wings ; white under the belly and wings, except the long feathers of the wings, which are black above and below. Brownish back, the wings inclining to dove colour ; white over the vent, and black one inch at the finish of the tail, which is rather short. It has a remarkable horn at the joint of the pinion, yellow, tipped with black, about half an inch long, with a slight curve resembling a cock's spur. Frequents the sea shore and flats inland, is very watchful, and utters a loud peculiar cry when it perceives anything to alarm it, flying round without gun shot, and disappointing a person of his game by alarming it; hence Alarm Bird by sealers.

VIII. *Fish.*

58.—The fish we caught were parrot-fish, craw-fish, rock cod and black-backs. It was only twice that we caught fish, although we tried many times. I consider them scarce ; but we saw siene fish, salmon and perch. Oysters are to be found on the eastern side. Mussels, and a variety of wilks, mutton-fish, a shell-fish I have heard called ormers in England ; the first name is that of the sailors.

General Observations.

59.—The fitness of the island for a penal settlement will be well understood from the descriptive map. The men can abscond into the woods, where there is plenty of concealment, but no subsistence, except on the coast, and then not without dogs or guns ; only the gulls eggs (that at but one season) and shell-fish to be obtained without. Dogs could be prohibited in the formation of the settlement, and guns would betray their hiding-place.

60.—Escape from the island I consider impracticable, except by taking a boat, or in a vessel; the numerous little bays around the island would afford the means of shelter if they had leisure and opportunity to construct a boat, but that is supposing an extreme case, out of probability. New Holland is just visible from the north-west parts of the island in clear weather, and whether on an escape being made they would direct their course there or for this island is doubtful ; in a boat they would see no land. The sealers, on leaving the island, direct their course by Reids Rocks (called by them the Flat Rock), distant about nine miles ; then for the Pyramids, distant upwards 20 ; then for the Albatross, seven or eight miles from the Hunters; then into the Hunters and down the coast. For New Holland, there are no such direction marks in the way. Prisoners absconding from the settlement must have considerable intelligence, should they attempt to cross the island, as the scrubs are so thick, that without a compass (that not very available), or favourable weather, they would otherwise inevitably be lost, or perish miserably. It will be seen by my descriptive map, that it took me three days going eight or twelve hours per day, with the aid of a compass and men under command and direction, and rarely seeing animal of any kind, except a few birds.

None of the sealers have crossed the island, although often attempted, aided by their black women. In some parts, I think, we did not get over a quarter of a mile in an hour; the leading man in such parts, if the sun was clouded, would, without a guide, absolutely nearly turn round in 30 or 40 yards, bewildered in his efforts to escape a labyrinth.

Water is not always to be met with, and we had very considerable inconvenience, to say no more, from that circumstance, one of the men drinking his urine from impatience under drought. Subsistence must be carried with them.

Employment for prisoners could be only in procuring timber, or cultivating the soil, material for lime there being none of consideration.

Its fitness for the reception of free emigrants is not so favourable as Van Diemen's Land was, but it has advantages. The climate, from being milder, would bring things to perfection which Van Diemen's Land would not; and the soil, although not of the strong rich quality as some in Van Diemen's Land, would, without doubt, be exceeding productive in many parts. Many of the streamlets have on the eastern side, fall, &c., adapting them for mill-streams, and the land is level, except the rising hills of the coast : a plough would work anywhere.

Water in some parts would, I fear, be an indifferent article, but generally to be obtained always on the coast.

The soil of the coast, which is the lightest, and would most require manure, is furnished with it by nature in the sea weeds in great quantity on the western coast.

In conclusion, I shall observe that the prospective advantages of the island are great, being so well situated for the trade that, doubtless, will be eventually in this part of the world.

NEW SOUTH WALES.

RANGE of the THERMOMETER, with Winds and Weather at *King's Island*, from 6 December 1826 to 13 February 1827.

DATE.	MORN.	NOON.	NIGHT.	WINDS.	WEATHER.
1826:					
Dec. 6	- -	- -	- -	N. to N.N.E.	- - Cloudy; in evening thunder, vivid lightning, a few drops of rain, violent wind, hauling westerly.
- 7	- -	71°	61°	S. Southerly	- - Cloudy unsettled weather, a little rain, wind light to calm; smart rain in evening, and about one hour's rain in night.
- 8	60	72	60	N. W.	Cloudy, some rain towards noon, fine afterwards.
- 9	54	74	56	N. Westerly	Ditto, occasionally rain a little.
- 10	60	63	58	N.W. strong	- - Ditto, rained in the afternoon two or three hours; west winds in evening.
- 11	54	74	58	West	Cloudy.
- 12	58	76	50	Ditto	Ditto, some rain last night and in the morning.
- 13	50	76	60	Northerly to W.	Calm fine weather, south wind in evening.
- 14	60	70	70 to 64	N. W.	- - Moderate breeze, clear, light wind at mid-day; at night N. E. wind.
- 15	54	78	66	Easterly	Fresh wind, fine weather.
- 16	56	86	72	N. E.	A very hot day, fine strong wind, distant thunder.
- 17	56	66	56	W. S. W.	Rain in morning, moderate wind.
- 18	54	56	56	Westerly	Hard rain and hail in the morning, cold rainy day.
- 19	60	67	60	S.E. to Southerly	Cloudy, with fresh winds.
- 20	52	66	56	S.S.E. to Sthly	Fine weather, fresh breeze.
- 21	52	71	54	East	Ditto.
- 22	52	74	65	E. S. E.	Ditto, fresh wind.
- 23	56	72	60	Easterly	- - Cloudy, a little rain over night, half a gale, misty weather.
- 24	58	72	56	Ditto	Moderate, misty.
- 25	64	76	61	Ditto	- - Moderate, misty, small rain, fine but rather cloudy evening, wind falling light.
- 26	60	78	58	N. E.	- - Fresh but rather strong breeze, fine weather, heavy dews fall, that in the morning gave an appearance to the tent as though it rained.
- 27	54	78	58	N. Easterly	- - Heavy dew, cloudy morning, fine weather, fresh of wind.
- 28	54	74	55	Ditto	Dews heavy, cloudy morning, fine day.
- 29	60	72	56	Ditto	Ditto, - - ditto, - - ditto, fresh of wind.
- 30	56	74	60	Easterly	Fine weather.
- 31	54	75	60	Ditto	Moderate and fine.
1827:					
Jan. 1	52	76	62	Ditto	- - Heavy dews, very fresh wind, cloudy, morning fine.
- 2	54	57	64	Ditto	Cloudy, a gale of wind, rain in heavy showers.
- 3	53	74	60	Ditto	- - Cloudy weather, loud thunder, blowing strong, heavy rain in showers and squalls, in the evening wind chopped round N. W. with heavy rain.
- 4	54	78	58	N. W. W. N. W.	Showery during the day.
- 5	54	74	62	W. S. W.	Cloudy, squalls attended with smart rain.
- 6	52	62	54	South-westerly	Unsettled, squalls with rain.
- 7	56	62	54	S.W. and S.	- - Very unsettled, unpleasant weather, squalls of wind and rain, the wind shifty.
- 8	54	60	53	Sthly & S.Westly	- - Fine morning, afternoon squally with showers, south-westerly wind.
- 9	56	62	54	S. W.	- - Cloudy and moderate, but squalls at times with light rain.
- 10	53	63	57	W. S. W.	Ditto, with a fresh of wind, squally with rain.
- 11	56	70	48	S. S. W. to S.	- - Ditto, more moderate, but unsettled, S. wind at night.
- 12	44	- -	- -	Vble. to Eastwd	Fine weather, light winds, hauled to eastward.

The above at the Yellow Rock; shifted this day to Half-Moon Bay.

DATE.	MORN.	NOON.	NIGHT.	WINDS.	WEATHER.
1827:					
Jan. 13	- -	- -	62	Easterly	Strong gale and cloudy.
- 14	62	83	63	Easterly variable to N. W.	- - A shower, towards morning variable wind, but fine weather; in evening south-easterly wind but westerly scuds.
- 15	61	88	66	Easterly	- - Cloudy morning, but hot sunny day; loud thunder and vivid lightning, with smart rain at night.
- 16	58	77	60	West	Thunder at day-light, rain, misty cloudy weather.
- 17	54	65	60	Ditto	Rainy morning and day, blowing a gale.
- 18	54	60	54	S.W. to Sthly	- - Rainy morning, wind shifty, rain all day with short intervals.
- 19	54	68	60	Westly to S.S.W.	- - Cloudy morning, with some rain; wind shifted in evening with showers.
- 20	56	82	62	N. E.	Fine moderate weather.
- 21	56	64	56	S. W.	- - Strong gale of wind, squally with light rain; in morning, before day, smart rain; rain at night.
- 22	55	72	54	S. W.	Fine, with a fresh breeze.
- 23	42	76	58	S. W.	Moderate, fine day.
- 24	48	78	60	S. S. W.	Fine weather.
- 25	52	86	74	Easterly	Very hot day.
- 26	50	78	62	Ditto	Fine weather, dews with these winds.
- 27	48	70	60	N. by W.	Cloudy, rainy weather, rain nearly all day.
- 28	52	70	58	Westerly	Cloudy morning, showery.
- 29	54	66	58	W. N. W.	Ditto, showery inland.
- 30	52	78	56	W. S. W.	Ditto, rainy in showers.
- 31	56	67	61	N. N. E.	Ditto, with light showers.
Feb. 1	56	61	57	Westerly	Ditto, with a few light showers.
- 2	60	70	62	S. Westerly	Fine weather.
- 3	60	noon 78 aftn. 88	76	Westly to Sthly	Fine, but very hot; wind shifted to N. in evening.
- 4	62	66	56	West to Sthly	- - Wind shifted to west southerly in night, and came on to blow strong in morning, with thunder and a shower or two.
- 5	56	60	57	W. Southerly	- - Blowing, squally weather, rain at times, more moderate in evening.
- 6	60	70	60	W. Southerly	Moderate fine in evening.
- 7	53	- -	- -	Northward	Ditto, and light breezes.
The above at Half-Moon Bay; shifted this day to Seal Point.					
- 8	- -	- -	- -	S. W.	Fine weather, heavy dew at night.
- 9	58	72	61	Easterly to N.E.	- - Light airs morning, shifted to N. E., and blew fresh.
- 10	60	64	64	E. N. E.	- - Fresh breeze with thick mist at noon, fell light winds and calm, shift of wind in afternoon to westward, a few light showers.
- 11	54	62	56	S. W.	- - Strong breeze and squally, with rain at times. moderate evening.
- 12	56	76	62	S. Westerly to S. Easterly.	- - Moderate and fine, feel little wind, and rather variable, in evening cloudy.
- 13	54	74	61	S. Easterly	- - Fine light winds, inclining to shift, cloudy and lowering at night.
- 14	58	- -	- -	West inclining to Southerly.	- - Fine during day, a smart breeze, but squally, with rain at night.

Sailed from King's Island.

(signed) *G. W. Barnard.*

It is remarkable from these observations of the thermometer, &c. that the hot weather was invariably accompanied by N. E. or easterly winds.

(signed) *G. Dumaresq.*

LIST OF SPECIMENS.

No. 1. *Stalactites.*—Found pendant in the calcareous stone formations; contain a considerable proportion of lime; they are not in sufficient quantity to be much available even to be used on the island.

2. *Calcareous Stone formation.*—Found in various situations marked in the descriptive chart, of various quality, some with large proportion of silex. It would be available for a settlement, being in considerable quantities, if found in its composition to have a sufficiency of lime.

3. *Calcareous Secretion or Deposition.*—Found in the rocks (*see* descriptive map) and in some other situations, from merely a slimy matter to the thickness of three, four, or more inches.

4. Same character with Nos. 1 & 2, but harder, and containing more silex. The above are, I believe, the only stones, with the exception of No. 7 on the western side, containing lime in anything like available proportion.

5. From the Bad Rocks exhibiting the presence . . . . . }

6. - - - - - - - - - - - - - - - - }

7. *Calcareous Sandstone.* — Containing lime, chiefly, I suppose, the particles of shells contained in it; in considerable quantity on the coast in parts. }

8. - - - - - - - - - - - - - - - - }

9. - - - - - - - - - - - - - - - - }

10. Rocks - - - - - - - - - - - - - - - }

11. - - - - - - - - - - - - - - - - }

12. - - - - - - - - - - - - - - - - } Exhibiting the presence of Lime.

13. *Micaceous Aluminous Schist.*—South end of the island.

15. *Siliceous Impregnations.*—Some of them are to a large size. I consider them to have been wood.

16. *Rushy Grass.*—From the mossy plains in the interior.

17. *Wiry Grass.*—Of the coast.

18. *Wollabie.*—There is another kind, of a broad leaf, somehow omitted.

19. *Specimens of Flints.*—Found on the beaches.

20. *Specimens of Crystallization.*—Few and indifferent to be found.

21. *Brilliant Crystallization of Lead Ore.*—It fuses pretty readily into a globule of metal upon the flying off of an acid or glass in flame, supposed sulphuric, nearly the weight being left in metal. It is not the produce of King's Island, but one of the islands in the Straits, which is all I know of it at present; as soon as I learn more will send the information. I send it to his Excellency as a rare mineral that perhaps may merit his notice.

Woods.

1. Narrow-leafed medicinal - - - }

2. Broad-leafed — - - - - - }

3. Resembling somewhat blackwood - - } Described in Report.

4. Celery-leafed pine - - - - }

5. Doubtful, with leaf and berries - - }

1. Bird.—Female cockatoo.

(signed) *G. W. Barnard.*

— No. 13. —

(No. 32.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

No. 13.
Sir Geo. Gipps to Lord John Russell, 29 Feb. 1840.

My Lord, Government-House, Sydney, 29 Feb. 1840.

IN connexion with the several despatches which I have lately addressed to your Lordship on the subject of Norfolk Island, I do myself the honour herewith to forward a copy of a letter, which was recently written by my order to the Deputy Commissary-general, on the subject of providing food for an increased number of convicts at that establishment; and also a copy of Mr. Deputy Commissary-general Miller's reply to the same.

27 Nov. 1839. No. 1.

6 Jan. 1840. No. 2.

That some difficulty will be found to exist, as apprehended by Mr. Miller, in providing supplies for a large number of convicts at Norfolk Island, cannot, I think, be doubted; but at the same time there will not be, I trust, any that the rapidly-increasing resources of this colony will not enable us to overcome.

I have, &c.
(signed) *George Gipps.*

Enclosures in No. 13.

(No. 1.)

(No. 39/239.)

Sir, Colonial Secretary's Office, Sydney, 27 Nov. 1839. Encls. in No. 13.

I AM directed by the Governor to inform you, that, pursuant to instructions received from Her Majesty's Government, orders have been given to provide temporary accommodation at Norfolk Island for 600 additional convicts, and that his Excellency expects this accommodation will be ready by the end of the month of April, and to request that you will report whether you will be enabled, with the present means at your command, to feed this additional number, and if not, what increase will be required.

Informing you further, that the Governor expects the number of convicts at Norfolk Island will be gradually increased, in the course of the next two years, to not less than 4,000; I am instructed to remark, however, that the cultivation of the soil is to be considered the primary object of the employment of the men, and that it is hoped, by applying, as far as possible, all modern improvements of machinery, &c. to the operations of husbandry, that the produce of the island may be so increased as to support this number of convicts, without any increase upon the present charge of maintaining them per man.

Sir George Gipps instructs me to invite you to offer any remarks and suggestions which you may think necessary to offer on the subject.

I have, &c.
The Deputy Commissary-general. (signed) *T. C. Harington.*

(True copy.)
E. Deas Thomson.

(No. 2.)

(No. 666.)

Sir, Commissariat Office, Sydney, 6 January 1840.

I HAD the honour to receive your letter, dated the 27th November, acquainting me, by desire of his Excellency the Governor, with the intention to send 600 additional convicts to Norfolk Island by the month of April next, and to increase them gradually to the extent of 4,000 in the next two years.

The supplying of such a number of persons on Norfolk Island, and the increased communication which must be found necessary, will be both difficult and expensive, but still practicable, with sufficient means and time for preparation; and I beg to submit the following remarks on the subject for his Excellency's information:

The principal article of food for the convicts, which the island neither does nor can furnish, is salted beef. The supply is contracted for yearly, so as to admit of its being cured during the winter months, from May to August. That for the current year is calculated for 1,400 convicts only; and as no addition can be made to it until the month of August next, any considerable increase in the number of convicts during the interval could be provided for only by permitting the consumption of the six months' supply which is now kept

NEW SOUTH WALES.

up on the island in advance, on purpose to provide against accidents, by which they have already several times been reduced to the verge of want.

From the experience of a number of years, I consider myself warranted in stating that no dependence can be placed on obtaining in the colony salted beef for a greater number of convicts than 2,000, with the corresponding military guard, and therefore the intended augmentation cannot, with safety, be carried beyond that number until arrangements shall have been effected for a continued supply from Europe.

The provision store at Norfolk Island is fit only for the supply of 2,000, and for all beyond that number additional storage will have to be previously provided. On the subject of the extent of the supply of salted beef to be obtained in the colony, I am aware that his Excellency may receive contrary opinions from many persons well able to judge in the matter; but that which I have stated is not matter of opinion, but the result of practical experience, and nothing else can with safety be trusted to in such a case.

With respect to the other articles of provision which would be required for the establishment, I do not anticipate any difficulty in procuring them in the colony, excepting wheat and maize, in which it is well known there is a great uncertainty; and as Norfolk Island, although highly favoured in soil and climate, is liable to storms and blighting winds, which have often had a ruinous effect upon the crops there, up even to the period of their maturity, it will be obvious that such an accident occurring simultaneously with a scarcity in the colony, a large body of men on the island would be placed in a most unfortunate predicament, and one which more especially calls for consideration, from this fact, that, unlike any other isolated population, they can derive no aid in such an event from their own means or efforts; they are beyond the reach of casual assistance; and their whole dependence is restricted to one source and one operation, which, if it chanced to fail, the result might be most calamitous.

The want of a harbour or any anchorage for vessels at Norfolk Island adds greatly to the difficulty of keeping up a regular supply, and also the chances of accident, which will be increased in proportion as the augmentation in the number of convicts to be sent there requires more frequent communication.

From the nature of the situation, I conceive it very unsafe and inexpedient to permit the communication to continue being kept up by one vessel only; two were formerly employed; but in anticipation of a reduction of the number of convicts, and their being finally withdrawn, one of the vessels was sold from a desire to limit the expenses.

It is, however, doubtful whether the saving effected was such as to warrant the great risk subsequently incurred; and any increase to the present numbers should, I conceive, be accompanied by the purchase of a second vessel, not merely on account of the greater quantity of tonnage which might require to be conveyed, but because, if the single vessel now employed happened to be lost, either on the passage or off the island, the accident, with its consequences, would remain unknown here until the lapse of time created apprehension, and means were employed to ascertain it, which, as the usual passage to and fro requires two months, might be attended with very disastrous consequences, and which would be obviated by two vessels being despatched alternately at regular intervals.

No dependance can be placed on finding vessels to hire for Norfolk Island; few persons will undertake sending a vessel there, and that only during the season when calm weather prevails: this, with the interior arrangement necessary for conveying the convicts and guard, renders it essential that a vessel for such purpose should be the property of Government.

I have, &c.

The Honourable the Colonial Secretary. (signed) *W. Miller*, D. C. G.

(True copy.)

E. Deas Thomson.

— No. 14. —

No. 14.
Sir Geo. Gipps to Lord John Russell, 1 March 1840.

(No. 33.)

Copy of a DESPATCH from Governor Sir *G. Gipps* to Lord *John Russell*.

Government-House, Sydney,
1 March 1840.

My Lord,

Having had occasion to address to your Lordship various despatches on the subject of Norfolk Island, and the proceedings which have been adopted in order to carry into effect the instructions contained in Lord Normanby's despatch of the 11th May 1839, No. 46, I think it right to bring more particularly under your Lordship's notice the points on which it appears to me essential that I should receive with as little delay as possible the decision of your Lordship.

For the Marquess of Normanby's Despatch, 11 May 1839, No. 46, *vide* Papers ordered by the House of Commons to be printed, 27 August 1839, No. 582, p. 16.

These

These points are,

1. Whether Captain Maconochie is to remain at Norfolk Island, or be removed, as he himself wishes, to Tasman's Peninsula, or King's Island.

2. In the event of Captain Maconochie's being continued at Norfolk Island, whether he is to be allowed to carry into full effect his own views of convict management; or how far he is to be controlled by pecuniary or other considerations.

3. If Captain Maconochie be removed, whether Norfolk Island is to revert to its former condition of a penal station for the doubly convicted only; or whether an establishment on the principles laid down by Lord Normanby in the despatch above alluded to, of the 11th May, is to be maintained there.

4. Whether a prison is to be commenced at Norfolk Island, and in such case, which of the two plans submitted with my despatch of the 28th ultimo, No. 31, is to be adopted.

A further question for consideration, though one which, perhaps, does not press for immediate decision, is whether, in the event of the new establishment being continued in Norfolk Island, the old one for the doubly convicted is to be removed.

I will content myself at present with saying, that if this be decided on, the choice will, as it seems to me, lie between occupying some other island in the South Pacific as a substitute for Norfolk Island, and establishing within the colony a penitentiary of the strictest kind.

I have, &c.

(signed) *Geo. Gipps.*

— No. 15. —

No. 15.
J. Stephen, Esq. to S. M. Phillipps, Esq.
23 July 1840.

Copy of a LETTER from *J. Stephen*, Esq. to *S. M. Phillipps*, Esq.

Sir, Downing-street, 23 July 1840.

With reference to former correspondence on the same subject, I am directed by Lord John Russell to transmit to you, to be laid before the Marquess of Normanby, the enclosed printed copies of despatches which his Lordship has received from the Governor of New South Wales, dated the 25th, 27th, and 29th of February, and the 1st of March last, relative to the arrangements already made, and the measures to be adopted for carrying out the system of convict discipline to be tried at Norfolk Island, under the superintendence of Captain Maconochie, R. N.; and I am to request that you will move Lord Normanby to furnish a copy of these despatches to the home inspectors of prisons, and to the governor of Parkhurst prison, for any remarks or suggestions which they may have to offer. Lord John Russell would also propose that a copy of these papers should be sent to Mrs. Fry.

No. 6.

I am further to request that you will state to Lord Normanby, that on a consideration of these despatches it still appears to Lord John Russell, 1st. "That Norfolk Island is the best place on which the experiment can be made; 2d. That a previous period of punishment, for the sake of example, should precede the period when the reformation of the offender may be made the chief object; and, 3d. That, with this condition, the system of marks proposed by Captain Maconochie deserves approval."

I am, &c.

(signed) *Jas. Stephen.*

— No. 16. —

(No. 147.)

No. 16.
Lord John Russell to Sir Geo. Gipps,
10 Sept. 1840.

Copy of a DESPATCH from Lord *John Russell* to Governor Sir *George Gipps*.

Sir, Downing-street, 10 Sept. 1840.

I have received your despatches of the numbers and dates specified in the margin, enclosing reports from Captain Maconochie, and adverting to the measures

28. 25 Feb. 1840.
32. 29 – –
30. 27 – –
33. 1 March –

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sures to be adopted in carrying out the system of convict discipline to be tried at Norfolk Island, under the immediate superintendence of that officer. I have referred those despatches to the Secretary of State for the Home Department, with a request that the home inspectors of prisons, and the governor of Parkhurst prison, might be called on for any remarks or suggestions which they might have to offer on the subject, together with their remarks. I transmit for your information a copy of a despatch which I have addressed to the Lieutenant-governor of Van Diemen's Land, in communicating to him your despatches, and Captain Maconochie's reports with reference to the system which is to be pursued at Tasman's Peninsula; and you will perceive it there stated that it is intended that Captain Maconochie should, under your direction, carry on the system at Norfolk Island, but entirely unconnected with Tasman's Peninsula. Notwithstanding the objections which I entertain in common with those authorities, whose reports are enclosed, to the theory of Captain Moconochie, that reformation is to be the sole object of the convict system, I still wish the experiment to be tried under his immediate supervision; but with the clear understanding that you shall remove him, if you should find mischief ensue in Norfolk Island from his management.

No. 137. 10 Sept. 1840. *Vide* page 105.

I have, &c.
(signed) *J. Russell.*

— No. 17. —

(No. 31.)

No. 17. Sir Geo. Gipps to Lord John Russell, 28 Feb. 1840.

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

My Lord, Government-House, Sydney, 28 February 1840.

IN obedience to the instructions contained in that part of Lord Normanby's despatch of the 11th May 1839, (No. 46,) which relates to the erection of a prison at Norfolk Island, I have now the honour to forward to your Lordship the following plans and reports, prepared under the direction of Major Barney, the Commanding Royal Engineer in this colony.

Vide Papers ordered by the House of Commons to printed, 27 Aug. 1839, No. 582, page 16.

1. A general Plan of Norfolk Island.

Plan, No. 1.

2. Plan, with elevation, section, &c., of a range of cells, such as has been recently erected at the female factory at Parramatta, and is proposed for Norfolk Island, on the principle approved by the metropolitan inspectors of prisons, with such alterations only as are rendered advisable by difference of climate. It will be seen, however, that the lower cells, which are intended for short periods only of confinement, are as dark as they can be made, consistently with proper ventilation, and only of half the size of the upper ones.

Plan, No. 2.

3. Plan, with elevation, section, &c., of a Prison on a plan recommended by Captain Maconochie.

Plan, No. 3.

4. Report and estimate of works (including the prison) rendered necessary at Norfolk Island, by the recent orders received from England, for greatly increasing the number of convicts maintained there.

Report and Estimate, No. 4.

5. A Memorandum on the construction of prisons by Captain Maconochie.

Memorandum, No. 5.

It is according to the views of Captain Maconochie, as developed in this memorandum, that the plan, No. 3, has been prepared.

Your Lordship will perceive by the report of Major Barney, that the expense of a prison on either of the plans, Nos, 2 or 3, will be about the same, the expense of the increased width of the central gallery (or church as it is called by Captain Maconochie), being balanced by the smaller quantity of iron in his building. The cost of a prison for any number of men, upon either plan, is estimated by Major Barney at 10*l.* per cell, exclusive of labour, which will be wholly supplied by the convicts themselves, and of materials produced upon the island. It is essential, however, to bear in mind, that as the first object of the labour of the convicts at Norfolk Island is to be the raising of agricultural produce for their own subsistence, nothing but the surplus labour after providing for this object, and for some other objects also of prime necessity, can be applied to the erection of a prison; whence it will follow that the work must proceed slowly, unless indeed the men employed

on

Plan of

NORFOLK ISLAND.

Shewing the General Nature of the Ground.

Cascade Bay.

Sheep Station.

Jessen's Bay

Marjoram Farm.

Barney Dudley's Gulley.

Major's Gulley

Earsden (or Main Gulley) Farm.

Pine Tree Flat.

The Big Flat.

Drummond's Farm.

Sucker Ground Farm.

Piper's Farm.

Ledwich's Gully

Fol Gulley

Longridge Farm

Fern Tree Gulley

Fethergill's (or Victoria) Farm.

Wright's Farm

Pig Pen.

Point Ross Farm

Anderson's Farm.

One hundred acre Farm.

Soldiers Gulley

Burying Ground Gulley

Government Garden.

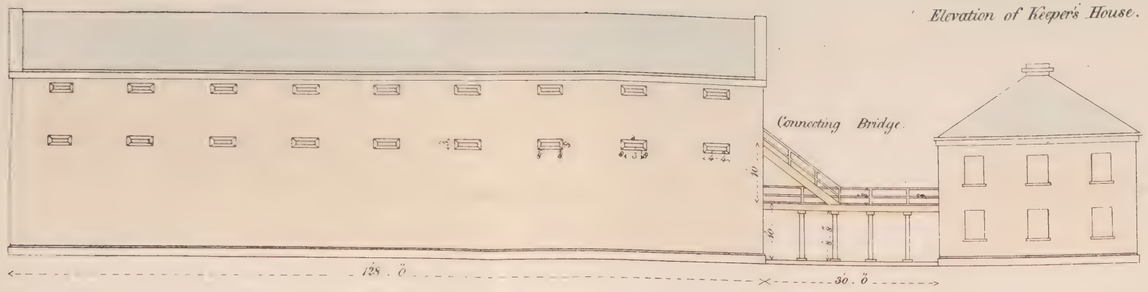
Soldiers Paddocks.

Sydney Bay.

Point Hunter

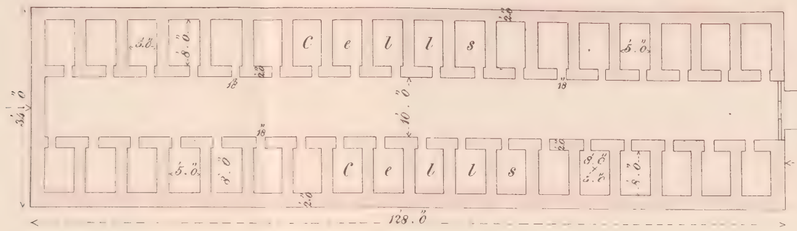
Ball's Ba

Side Elevation of Cells. 72.

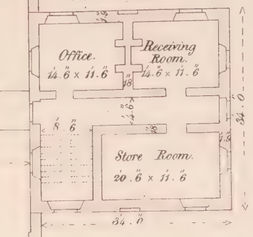


Elevation of Keeper's House.

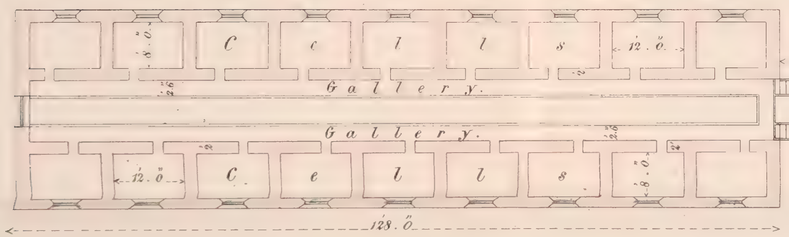
Ground Floor of Cells. 36.



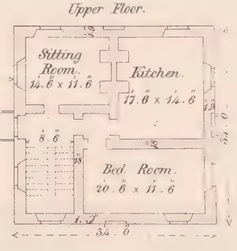
Keeper's House. Ground Floor.



1st & 2nd Floors' Cells. 18 each.



Keeper's House. Upper Floor.



Range of Solitary Cells

Erected at the Female Factory at

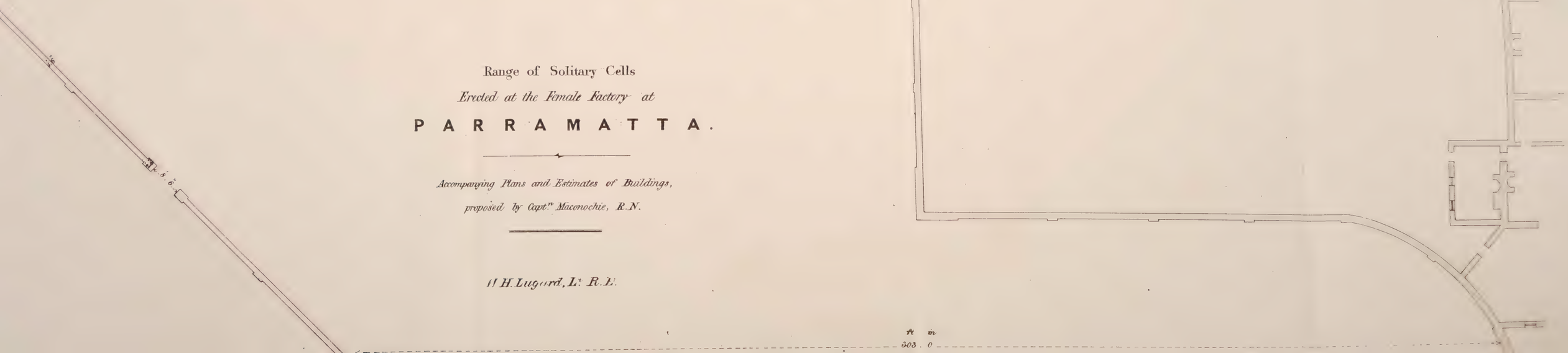
PARRAMATTA.

Accompanying Plans and Estimates of Buildings, proposed by Captn Maconochie, R.N.

W H Lugard, Lt R.E.

Scale 20 Feet to an Inch.

FEMALE FACTORY, PARRAMATTA.



on it were rationed entirely from Sydney, which would increase the expense of the building in an enormous degree.

Of the rate at which a building of this sort might be expected to advance, I can hardly venture to hazard an opinion; but I am inclined to think that a rate of progress of from 50 to 100 cells per annum is as much as ought to be expected; and that consequently a prison for 500 men would not be completed in less than from five to ten years.

As Captain Maconochie has developed his own views of what a prison ought to be, I shall content myself with remarking, that in many essential points he is at issue with the home inspectors; and that whilst they consider it necessary to ensure absolute separation by strength of masonry, bolts, locks, and bars, Captain Maconochie proposes in great measure to dispense with such securities.

Bearing in mind these very opposite views and opinions, what I would respectfully recommend to your Lordship is, that if it be decided to keep Captain Maconochie at Norfolk Island, and to allow him to make full experiment of his own system, a prison consisting of two wings and a central building, according to the plan, No. 3, and capable of accommodating 240 prisoners, should be commenced with as little delay as possible; as I cannot help feeling anxious that if Captain Maconochie's system is to be tried at all, it should be tried as a whole, and not parts of it only be adopted. But if, on the other hand, Captain Maconochie is to be removed, as he himself wishes, to Tasman's Peninsula, or any other locality, or if his system is to be departed from at Norfolk Island, I would then recommend that a radiating prison, for 500 men, should be commenced according to the model plan of the inspectors, in their Fourth Annual Report, with such modifications only as have been adopted at the female factory, and which are shown in plan, No. 2. I do not forward a general plan of such a prison, as it would be only a copy of the inspectors' plans, published with their Fourth Report. The modifications, however, which I allude to may be further explained as follows:

1. The lower cells in some, if not all of the wings, to be as dark as they can be made, consistently with the free admission of air, and only half the size of the upper ones.

2. The ventilating and heating apparatus to be dispensed with, being unnecessary in a climate where the external air may be freely admitted at all seasons of the year.

3. The water-closet apparatus to be dispensed with, the free admission of the external air rendering it less necessary than in a cold climate, and the expense of it being very considerable.

Your Lordship will observe that the estimate of Major Barney provides for some other works of minor consideration, the two first of which I have already authorized, namely, a defensible guard-house, or sort of stronghold for the military, a work which has long been desired at Norfolk Island, but may now, I think, be considered indispensable; and, secondly, the temporary accommodation ordered by Lord Normanby's despatch of the 11th May, already referred to.

Nos. 4 and 5 in the estimate are for works not of immediate urgency, but which will be required as the establishment is increased.

I have, &c.
(signed) *Geo. Gipps.*

Enclosures in No. 17. Encl. in No. 17.

(No. 1.)

General PLAN of *Norfolk Island.*

(No. 2.)

PLAN, with Elevation, Section, &c. of a range of Cells, such as has been recently erected at the Female Factory at *Parramatta.*

(No. 3.)

PLAN, with Elevation, Section, &c. of a Prison on a plan recommended by Captain *Maconochie.*

NEW SOUTH WALES.

(No. 4.)

REPORT and ESTIMATE of Works proposed to be carried on in the Royal Engineer Department at *Norfolk Island, New South Wales,* consequent upon the New Convict Arrangements for *Norfolk Island.*

ABSTRACT.

Item.	Service.	Repairs.	New Works, and extensive Repairs and Alterations.	Total.
	Norfolk Island:		£. s. d.	£. s. d.
1.	New Guard-house - - - - -	- - -	32 16 -¼	
2.	Sheds for the accommodation of 500 Men - - - - - - -	- - -	71 18 9	
3.	Chapel, and 120 Cells, with Cook-house - - - - - - -	- - -	1,063 8 9¾	
4.	Clergyman's Quarters - - -	- - -	70 19 2¾	
5.	Keeper's Quarters - - - -	- - -	54 9 6¼	
			£.	1,293 12 4

George Barney,
Captain and Major Royal Engineers, Commanding.

20 February 1840.

Items No. 1 and 2 are in progress, under the authority of his Excellency the Governor.

G. B.

REPORT.

Item.	
1.	- - Is a provision for a defensible Guard-house, to cover the guard necessary to the security of 500 prisoners. This building (*see* Sketch) is of a permanent character. The estimate is entirely confined to stores, consisting only of such articles as Norfolk Island does not afford, and which, of necessity, must be purchased in Sydney.
2.	- - Provides temporary buildings for the accommodation of 500 prisoners; the accompanying Sketch is fully explanatory of the intended work, and such stores only as are necessary to be supplied from Sydney are introduced. This, as well as the preceding item, is in progress, under the verbal authority of his Excellency the Governor. There is no provision for tools in the above items, there being sufficient on the spot for carrying the service into effect.
3, 4, and 5.	- - The accompanying Sketches show the character of the buildings proposed: viz. Permanent Cells, Quarters for Clergyman (termed 1st class quarters), and Quarters for Foremen, &c., which are considered of the 2d class; the two latter being upon a scale approved by his Excellency the late Governor, expressly for Norfolk Island. The plan of the proposed cells has been made under the direction of Captain Maconochie, to meet his peculiar arrangements. These buildings are proposed to be of stone, which, as well as the timber and lime, is to be prepared by prisoners on the spot, and the whole work carried into effect by prison labour. The estimate is consequently confined to the supply of such necessary stores as cannot be obtained at Norfolk Island, consisting of ironmongery, lead, glass, paint, bricks, and working tools. It is to be observed also, that the material to be supplied is estimated in the bulk, wherever practicable, to be wrought by prisoners on the island, and every care has been taken to reduce the expense to the lowest possible limit.

ESTIMATE.

Item.		£. s. d.	£. s. d.
	NORFOLK ISLAND.		
1.	*New Guard-house.*		
	3 cwt. Square bar-iron - - - per cwt. 20/	3 – –	
	2 cwt. 3 qrs. 23 lbs. Flat bar-iron - per cwt. 18/	2 13 2¼	
	6 cwt. 2 qrs. Nail rod-iron - - per cwt. 17/	5 10 6	
	1 cwt. 2 qrs. 5 lbs. Swedish flat-iron per cwt. 30/	2 6 4	
	119 lbs. Cast-iron boiler - - - per lb. /3½	1 14 8½	
	1 10-inch Iron-rim dead lock - - - each, 12/	– 12 –	
	14 lbs. Black paint - - - - per lb. /8	– 9 4	
	28 lbs. White lead - - - - - per lb. /7	– 16 4	
	2 gallons Linseed oil - - - per gallon, 7/	– 14 –	
	6 cwt. Milled sheet-lead, cut to order per cwt. 40/	12 – –	
	£.	29 16 4¾	
	Contingencies (one-tenth) - - - - -	2 19 7½	
			32 16 –¼
2.	*New Sheds.*		
	18 cwt. 3 qrs. Nail rod-iron - - per cwt. 17/	15 18 9	
	9 cwt. 3 qrs. 4 lb. Flat bar-iron - per cwt. 18/	8 16 1½	
	4 cwt. 2 qrs. Square bar-iron - - per cwt. 20/	4 10 –	
	1 cwt. 2 qrs. Round bar-iron - - per cwt. 20/	1 10 –	
	63 lbs. Plate-iron - - - - per lb. /5	1 6 3	
	3 4-inch Iron padlocks (Barron's) - - each, 7/6	1 2 6	
	252 lbs. White lead - - - - per lb. /7	7 7 –	
	28 lbs. Black paint - - - - per lb. /8	– 18 8	
	25 gallons Linseed oil - - - per gallon, 7/	8 15 –	
	12 Brushes, 000 - - - - - each, 2/9	1 13 –	
	112 lbs. Red ochre - - - - - per lb. /6½	3 – 8	
	6 barrels Coal tar - - - - per barrel, 35/	10 10 –	
	£.	65 7 11½	
	Contingencies (one-tenth) - - - - -	6 10 9½	
			71 18 –
3.	*Chapel, Cells, and Cook-house.*		
	1 Double-purchase hoisting-crabb - each, 320/	16 – –	
	1 pair Iron double blocks - - per pair, 154/	7 14 –	
	1,000 lbs. Gunpowder, L. G. - - - per lb. /10½	43 15 –	
	1,600 lbs. Iron chain - - - - per lb. /6½	43 6 8	
	18 cwt. New Zealand tarred-rope - per cwt. 45/	40 10 –	
	60 Spades - - - - - - each, 3/9	11 5 –	
	60 Shovels - - - - - - each, 3/9	11 5 –	
	2 Lime screens - - - - - each, 35/	3 10 –	
	24 Trowels - - - - - - each, 4/	4 16 –	
	30 2-feet Rules - - - - - each, 3/6	5 5 –	
	40 tons Coals - - - - per ton, 22/	44 – –	
	64 inches Smiths' bellows - - per inch, /6	1 12 –	
	145 lbs. Standing vices - - - - per lb. /6	3 12 6	
	251 lbs. Smiths' anvil - - - - per lb. /5½	5 15 –½	
	112 lbs. Smiths' rubbers - - - per lb. 2/	11 4 –	
	24 gallons Fish oil - - - - per gallon, 3/6	4 4 –	
	32 cwt. Nail rod-iron - - - per cwt. 17/	27 4 –	
	120 cwt. Square bar-iron - - per cwt. 20/	120 – –	
	40 cwt. Round bar-iron - - - per cwt. 20/	40 – –	
	80 cwt. Flat bar-iron - - - per cwt, 18/	72 – –	
	448 lbs. Plate-iron - - - - - per lb. /5	9 6 8	
	6 cwt. Swedish flat-iron - - - per cwt. 30/	9 – –	
	2,016 lbs. Blister steel - - - - per lb. /8	67 4 –	
	12 cwt. Cast-iron, in wheels, for barrows, &c. per cwt. 38/	22 16 –	
	28 lbs. Rosin - - - - - - per lb. /3	– 7 –	
	56 lbs. Chalk - - - - - - per lb. /2½	– 11 8	
	26 lbs. Iron pots - - - - - per lb. /4	– 8 8	
	2 Iron ladles - - - - - - each, 3/6	– 7 –	

(continued)

NEW SOUTH WALES.

Item.	ESTIMATE—*continued.*	£.	s.	d.	£.	s.	d.
	600 inches Smiths' files (assorted) - per inch, /2½	6	5	–			
	5 Carpenters' axes - - - - each, 4/6	1	2	6			
	3 Adzes - - - - - each, 4/6	–	13	6			
	2 dozen Mortice chisels - - per dozen, 20/	2	–	–			
	2 dozen Socket chisels - - - per dozen, 14/	1	8	–			
	3 dozen Firmer chisels - - - per dozen, 11/6	1	14	6			
	10 Hammers - - - - - - each, 3/	1	10	–			
	4 pair Pincers - - - - per pair, 2/6	–	10	–			
	10 Augers - - - - - each, 1/1½	–	11	3			
	48 Bradawls - - - - per dozen, 3/6	–	14	–			
	4 Carpenters' compasses - - - each, 1/	–	4	–			
	48 Nail-gimlets - - - - - each, /6	1	4	–			
	6 Spike-gimlets - - - - - each, 1/	–	6	–			
	5 Jack-planes - - - - - each, 6/6	1	12	6			
	5 Trying planes - - - - - each, 8/6	2	2	6			
	5 Smoothing planes - - - - - each, 5/	1	5	–			
	2 Rebate planes - - - - - each, 4/	–	8	–			
	1 Sash fillister - - - - - each, 20/	1	–	–			
	1 Plough and 8 irons - - - per set, 30/	1	10	–			
	8 Hand-saws - - - - - each, 5/6	2	4	–			
	3 Tenon-saws - - - - - each, 6/6	–	19	6			
	1 Cross-cut saw - - - - - each, 20/	1	–	–			
	1 Pit-saw - - - - - each, 33/9	1	13	9			
	3 Trying squares, 6-inch - - - each, 4/6	–	13	6			
	3 Setting-out squares - - - - each, 6/	–	18	–			
	1 Stock and 36 bits - - - per set, 30/	1	10	–			
	12 dozen Hand-saw files - - per dozen, 6/	3	12	–			
	4 dozen Tenon-saw files - - per dozen, 4/6	–	18	–			
	12 dozen Pit-saw files - - - per dozen, 9/	5	8	–			
	4 dozen Cross-cut files - - - per dozen, 8/3	1	13	–			
	5 Turnscrews - - - - - each, 4/	1	–	–			
	9 lbs. Turkey oil-stone - - - - per lb. 3/	1	7	–			
	4 gallons Neat's-foot oil - - per gallon, 12/	2	8	–			
	1 Screw-wrench - - - - - each, 10/	–	10	–			
	2 Spoke-shaves - - - - - each, 2/6	–	5	–			
	12 dozen 1-inch Middling screws - per gross, 3/3	–	3	3			
	24 dozen 1¼-inch Middling screws - per gross, 3/9	–	7	6			
	12 dozen 1¼-inch Strong screws - per gross, 4/	–	4	–			
	12 dozen 1½-inch Strong screws - per gross, 4/6	–	4	6			
	12 dozen 1¾-inch Strong screws - per gross, 5/	–	5	–			
	6 dozen 2-inch Strong screws - - per gross, 5/	–	2	6			
	20 yards Patent sash-line - - per yard, /3½	–	5	10			
	48 Bricklayers' lines - - - - each, /6	1	4	–			
	20 lbs. Glue - - - - - - per lb. 1/	1	–	–			
	5 1½-inch Brass-framed sash-pulleys - each, /8	–	3	4			
	3 quires Glass-paper - - - per quire, 2/	–	6	–			
	2 Thumb-latches and screws, complete - each, 1/6	–	3	–			
	2 12-inch Stock-locks - - - - each, 5/	–	10	–			
	122 4-inch Iron padlocks (Barron's) - each, 7/6	45	15	–			
	3 Superior patent padlocks - - - each, 40/	6	–	–			
	2 10-inch Round plate bolts - - - each, 1/1	–	2	2			
	140 feet (running 3-inch) cast-iron water-pipes (7½ lbs. per foot) - - - - per foot running, 2/6	17	10	–			
	4 Hopper heads for ditto (30 lbs.) - - each, 4/	2	–	–			
	580 lbs. Cast-iron boiler - - - per lb. /3½	8	9	2			
	2 Furnace fronts, frames and grates, complete each, 40/	4	–	–			
	1,000 Bricks, hard-burnt - - per 1,000, 60/	3	–	–			
	50 bushels Plasterers' hair - - per bushel, 1/	2	10	–			
	940 feet superficial third Newcastle glass - per ft., /8	31	6	8			
	4 cwt. Whiting - - - - - per cwt. 13/	2	12	–			
	336 lbs. White-lead - - - - per lb. /7	9	16	–			
	168 lbs. Prepared paint - - - per lb. /8	5	12	–			
	4 Shoes for water-pipes (12 lbs.) - - per lb. 4/	–	16	–			
	36 gallons Linseed oil - - - per gallon, 7/	12	12	–			
	8 gallons Turpentine - - - per gallon, 6/10	2	14	8			
	10 Brushes, 000 - - - - - each, 2/9	1	7	6			
	8 Brushes, 00 - - - - - each, 2/6	1	–	–			
	12 Sash-tools - - - - - each, /9	–	9	–			
	40 cwt. Milled sheet-lead, cut to order per cwt. 40/	80	–	–			
	56 lbs. Plumbing solder - - - - per lb. 1/6	4	4	–			
	28 cwt. Pig-lead - - - - per cwt. 28/	39	4	–			
	1 Glazier's diamond - - - - each, 35/	1	15	–			
	1 Putty-knife - - - - - each, 1/6	–	1	6			
	£.	966	15	3½			
	Contingencies (one-tenth) - - -	96	13	6¼			
					1,063	8	9¾

NEW SOUTH WALES.

Item.	ESTIMATE—*continued.*	£.	s.	d.	£.	s.	d
4.	*Clergyman's Quarters.*						
	9 cwt. Nail rod-iron - - - per cwt. 17/	7	13	–			
	¾ cwt. Square bar-iron - - - per cwt. 20/	–	15	–			
	1 cwt. Round bar-iron - - - per cwt. 20/	1	–	–			
	1 cwt. Flat bar-iron - - - per cwt. 18/	–	18	–			
	14 lbs. Bundle iron - - - per cwt. 28/	–	3	6			
	14 lbs. Plate-iron - - - - - per lb. /5	–	5	10			
	100 lbs. Blister steel - - - - per lb. /8	3	6	8			
	1¾ cwt. Milled sheet-lead, cut to order per cwt. 40/	3	10	–			
	3 lbs. Solder - - - - - per lb. 1/6	–	4	6			
	160 lbs. Cast-iron boiler - - - per lb. /3½	2	6	8			
	170 feet superficial second Newcastle glass per foot superficial, /10	7	1	8			
	198 lbs. White-lead - - - - per lb. /7	5	15	6			
	16 lbs. Black paint - - - - per lb. /8	–	10	8			
	15 gallons Linseed-oil - - - per gallon, 7/	5	5	–			
	1½ gallons Turpentine - - - per gallon, 6/10	–	10	3			
	¾ cwt. Whiting - - - - per cwt. 13/	–	9	9			
	6 Whitewash brushes (No. 2) - - - each, 4/	1	4	–			
	3 Painters' brushes, 000 - - - each, 2/9	–	8	3			
	3 Sash-tools - - - - - - each, /9	–	2	3			
	13 bushels Plasterers' hair - - per bushel, 1/	–	13	–			
	13½ lbs. Glue - - - - - per lb. 1/	–	13	6			
	12 pair 4-inch iron butt hinges and screws per pair, 1/2	–	14	–			
	5 8-inch Iron-rim spring-locks - - each, 7/	1	15	–			
	2 9-inch Draw-back locks - - - each, 11/6	1	3	–			
	3 8-inch Stock-locks - - - - each, 2/	–	6	–			
	4 6-inch Closet-locks - - - - each, 3/	–	12	–			
	8 Brass spring sash-fastenings - - - each, 1/3	–	10	–			
	16 pair 4-inch Parliament hinges - per pair, 2/	1	12	–			
	8 6-inch Round-necked bolts - - - each, 1/	–	8	–			
	2,000 Bricks - - - - per 1,000, 60/	6	–	–			
	30 lbs. Sheet copper - - - - per lb. 1/6	2	5	–			
	12 dozen 1½-inch Middling screws per gross, 4/3	–	4	3			
	36 dozen 1-inch Middling screws - per gross, 3/3	–	9	9			
	5 dozen ¾-inch Mddling screws - per gross, 2/9	–	1	1¾			
	1 Jack-plane - - - - - - each, 6/6	–	6	6			
	1 Trying plane - - - - - each, 8/6	–	8	6			
	1 Smoothing plane - - - - each, 5/	–	5	–			
	1 pair Hollow and rounds - - per pair, 7/6	–	7	6			
	1 pair Sash-planes - - - - per pair, 12/6	–	12	6			
	12 Gimlet-nails - - - - - each, /6	–	6	–			
	2 dozen Bradawls - - - - per dozen, 3/6	–	7	–			
	10 Chalk-lines - - - - - each, /6	–	5	–			
	1 dozen Hand-saw files - - - per dozen, 6/	–	6	–			
	1 dozen Tenon-saw files - - - per dozen, 4/6	–	4	6			
	2 dozen Pit-saw files - - - per dozen, 9/	–	18	–			
	¼ dozen Cross-cut files - - - per dozen, 8/3	–	2	–¾			
	60 inches Smiths' files - - - per inch, /2½	–	12	6			
	3 Trowels - - - - - - each, 4/	–	12	–			
	£.	64	10	2½			
	Contingencies (one-tenth) - - -	6	9	–¼			
					70	19	2¾
5.	*Keepers' Quarters.*						
	4 cwt. 2 qrs. Nail rod-iron - - per cwt. 17/	3	16	6			
	1 cwt. 2 qrs. Flat bar-iron - - per cwt. 18/	1	7	–			
	2 qrs. Square bar-iron - - - per cwt. 20/	–	10	–			
	1 cwt. Round bar-iron - - - per cwt. 20/	1	–	–			
	14 lbs. Bundle iron - - - per cwt. 28/	–	3	6			
	7 lbs. Plate-iron - - - - - per lb. /5	–	2	11			
	1¼ cwt. Milled sheet-lead, cut to order per cwt. 40/	2	10	–			
	3 lbs. Solder - - - - - per lb. 1/6	–	4	6			
	160 lbs. Cast-iron boiler - - - per lb. /3½	2	6	8			
	150 feet superficial Third Newcastle glass per ft. /8	5	–	–			
	152 lbs. White-lead - - - - per lb. /7	4	8	8			
	16 lbs. Black paint - - - - per lb. /8	–	10	8			
	14 gallons Linseed oil - - - per gallon, 7/	4	18	–			
	2 gallons Turpentine - - - per gallon, 6/10	–	13	8			
	½ cwt. Whiting - - - - per cwt. 13/	–	6	6			
	5 Whitewash brushes (No. 2) - - - each, 4/	1	–	–			
	3 Painters' brushes, 000 - - - each, 2/9	–	8	3			
	3 Sash-tools - - - - - each, /9	–	2	3			
	8 Bushels plasterers' hair - - per bushel, 1/	–	8	–			
	14 lbs. Glue - - - - - - per lb. 1/	–	14	–			

(*continued*)

NEW SOUTH WALES.

Item.	Estimate—*continued.*	£.	s.	d.	£.	s.	d.
	6 pair 4-inch Butt-hinges - - per pair, 1/2		–	7	–		
	4 8-inch Spring-locks - - - each, 7/		1	8	–		
	4 pair 2½-inch Butt-hinges - - per pair, /8		–	2	8		
	2 9-inch Drawback spring-locks - each, 11/6		1	3	–		
	1 8-inch Stock-lock - - - each, 2/		–	2	–		
	2 6-inch Closet locks - - - each, 3/		–	6	–		
	16 pair 4-inch Parliament hinges - per pair, 2/		1	12	–		
	8 6-inch Round-necked bolts - - each, 1/		–	8	–		
	2,000 Bricks - - - - per 1,000, 60/		6	–	–		
	3 lbs. Sheet-copper - - - per lb. 1/6		–	4	6		
	12 dozen 1½-inch Middling screws per gross, 4/3		–	4	3		
	36 dozen 1-inch Middling screws - per gross, 3/3		–	9	9		
	5 dozen ¾-inch Middling screws - per gross, 2/9		–	1	1¾		
	1 Carpenter's axe - - - - each, 4/6		–	4	6		
	12 Firmer chisels - - - - per dozen, 11/6		–	11	6		
	2 Hand-saws - - - - - each, 5/6		–	11	–		
	1 Tenon-saw - - - - - each, 6/6		–	6	6		
	1 Turning saw - - - - - each, 4/		–	4	–		
	1 Jack-plane - - - - - each, 6/6		–	6	6		
	1 Smoothing plane - - - - - each, 5/		–	5	–		
	12 Gimlets - - - - - - each, /6		–	6	–		
	12 Bradawls - - - - - per dozen, 3/6		–	3	6		
	16 Chalk-lines - - - - - each, /6		–	8	–		
	1 dozen Hand-saw files - - - per dozen, 6/		–	6	–		
	½ dozen Tenon-saw files - - - per dozen, 4/6		–	2	3		
	1½ dozen Pit-saw files - - - per dozen, 9/		–	13	6		
	40 Inches smiths' files - - - per inch, /2½		–	8	4		
	6 Shovels - - - - - - each, 3/9		1	2	6		
	3 Trowels - - - - - - each, 4/		–	12	–		
	£.	49	10	5¾			
	Contingencies (one-tenth) - - -	4	19	–½			
					54	9	6¼
				£.	1,293	12	4

George Barney,
Captain and Major Royal Engineers, Commanding.

(No. 5.)

Memorandum on the Construction of Separate Prisons.

The inspector's prisons are planned on the principle of making escape from, and intercommunication in them, impossible. But in an insular station, set apart for the purpose, the first of these objects is otherwise obtained than by strength of masonry; and both of them are mere physical victories over the (supposed) obduracy of the prisoners, and consequently, as I think, rather calculated to obstruct than to promote the essential moral conquest—gaining the will, and not merely fettering the limbs. With security otherwise provided against ultimate escape (so that, after all, the latitude given by an apparent weakness of prison walls would not be great); with duration of sentence measured by conduct, not by time (or if by time at home, commutable into conduct on the spot); with the obvious result that irregularity will prolong, and that obedience can alone shorten it; with good feelings otherwise cultivated; and with an *esprit de corps*, which I am sanguine in believing that I shall speedily create in the body, directed to obedience, and not evasion, I think that soon there would be no attempts at evasion. And, moreover, the individual character of the several culprits, which is undoubtedly injured by mere physical triumphs over them, would be directly benefited by the early lessons of self-command that would be impressed upon them by the early possession of a choice, yet of moral motives by which to guide it right.

I may illustrate this position by a case. It is not thought necessary to place an officer, under strict military arrest, but whose hopes and prospects in life still centre in his profession, in an actual dungeon, in order to enforce the restrictions imposed on him. A canvass tent, if directed, is considered equally available; and there can be no doubt that his feelings of honour, and even of obligation to obedience, are strengthened by the confidence thus reposed in him, and would be seriously injured by its being withheld. But prisoners are men equally with the highest. What would confessedly injure others cannot but be prejudicial to them; and what confessedly improved others could not but do them also moral good. There is no maxim more true in fact than "that confidence begets good faith;" nor any conclusion founded on it less doubtful than that one virtue so called out will bring many more in its train.

I am

I am inclined then to admit the expediency of providing a limited extent of moderately secure accommodation, in a large complete establishment, for new comers, and others found afterwards less manageable; but I wish much more earnestly to have a large command of less and less secure, but more and more cheerful quarters, so as to train by rewarding, self-command, even from an early period, in those subjected to them. And this position explained, I have another objection to the inspectors' prisons, not less serious, viz. the very small facility afforded by them for the communication of moral, religious, and other intellectual stimulus and instruction. In this they fall behind even the earliest penitentiary form. Each prisoner in them must either be visited separately, or be removed, with serious trouble and loss of time, separately to the chapel. The amount of intellectual culture conveyed to each must thus necessarily be small, and being received at long intervals, and for the most part in unusual, and consequently, in some measure, distracting circumstances, it can have but little effect, even comparatively; yet this is a great misfortune.

Non vi, sed sæpe cadendo, is a rule especially to be observed in imparting moral and religious impulses to ignorant men, of mature years and previously vicious habits. It is in general not difficult to excite strong passing emotion in such; and it is always easy for them to profess to feel this effect. But of such results I would doubt the permanence, very nearly in the precise ratio of the intensity of the immediate demonstration.

A wave raised above the surrounding level must pass away, and the higher the faster. It is an unseen change produced in the ordinary current of thought, mixing and blending with the course prescribed to it by position in life, and other circumstances, swelling its streams, and altering its character, but not overflowing its banks, and thus exciting little external observation that is likely to be really useful and abiding. This is only to be produced by an incessant feeding of the mind while under our care, with new images, not all religious, or all anything else, but accommodated to the tastes as well as inculcating the duties of humble life. And the loss would seem to me accordingly infinite, were we to cease to group our cells, as Mr. Bentham originally proposed, round central halls or chapels, where a succession of readers may diversify the subjects, and supply the occasional absences of the clergyman chiefly in charge, yet not as he also proposed, subject to constant inspection from without,—another merely physical check, and as I think of peculiarly injurious character; for which of us would not be deteriorated by having the edge of our best feelings blunted by being placed in such a position?

My plans then for a penitentiary are not so much specific as founded on these views. I do not venture to say what would be absolutely the best form and distribution of such building, but I have suggested two arrangements to the officer commanding the Royal Engineers, to enable him to estimate them. One is that of a long narrow hall, perhaps 30 or 40 feet wide, by any length, and divided across this length into chapels, say 50 or 60 feet long, each. Between buttress walls outside of these I would erect my separate cells, probably in three rows, varying in security and comfort as may be deemed expedient (thus, the upper row may be the most secure, and lighted only from the roof; the second have a cheerful look out; and the lower have small gardens, and be secured by a simple latch on the door, &c.), and all provided with a door from the chapel (and light open iron rail galleries in it), to enable the clergyman and his assistants to visit them, and with a window of ground glass, or a wooden panel, by sloping which a voice from the pulpit or reading-desk may be easily heard by the prisoners within them. The other form is that of a circular or oval building, similarly constructed, and divided into two chapels by an interior transverse wall.

I would distribute these chapels among the several religious denominations having clergymen in the settlement; and I would endeavour to place the men also according to their denominations.

The chapels should be otherwise the churches of the place; and I would expect a highly beneficial effect from the means thus afforded the prisoners of joining in social worship with the community at large, even while themselves in seclusion. But besides this, the clergymen should have special charge of the men thus attached to their chapels; and by having the power assigned to them of placing marks to their credit, according to their conduct, proficiency, and so forth, and being thus enabled to determine the length of their stay in this stage of treatment, they would, I think, obtain a great and salutary influence over them, not only while thus immediately under them, but even afterwards. And besides the stimulus arising from conscientious feeling, and from competition among themselves in the discharge of this duty, I should be well pleased to see even a specific remuneration attached to it, as a payment of 5 *s.* or 10 *s.* for every prisoner passed through, provided the same sum, or twice as much, were exacted as a fine for every one sent back within, say three months. There would be no substantial hardship even in this latter case, for as these men would again come out the money would be replaced; and the only effect would be, that for these individuals, in this case, nothing would be received at all. But the arrangement generally would operate as a check alike on carelessness and profusion; and by giving the clergyman a personal interest in the result of their labours, and that interest modified according as such results were permanent, or the reverse, it would materially assist me in the subsequent stages.

This, then, is my view of what an establishment for separate imprisonment should be in an insular situation, from which complete escape is otherwise difficult; and where the great object is not the vindictive punishment of the men, but their moral reform. I will only add, that ignorant, as we at present are, of the amount and degree of seclusion most favourable for this, and likely as it is that these may differ under different agents, and with different

NEW SOUTH WALES.

accompanying circumstances, I most earnestly trust that I shall not, in the beginning especially, be too much fettered on the subject by external regulation.

I do not wish to be long invested with a discretionary authority. On the contrary, I think the effect of this is generally so bad, that I annex a specific memorandum regarding it. But we are at present altogether without well-observed facts and observations in relation to this point. My own impression is, accordingly, that long imprisonments are always injurious, while others consider them beneficial. I have no particular attachment to my own opinion on this head; and, on the contrary, have but one object in view, the reform of the men, by whatsoever process. But, with a definite object like this in pursuit, I cannot long remain in error, even if I so begin. And no results arising from my early mistakes can be nearly so injurious as early great error in framing strict regulations at a distance; if indeed it may not be said, that for the purposes of penal science my mistakes (and I pledge myself that they shall be faithfully recorded) will not be less useful than my better-judged trials. They will constitute reversed observations.

(signed) *A. Maconochie.*

— No. 18. —

(No. 169.)

COPY of a DESPATCH from Lord *John Russell* to Governor Sir *George Gipps.*

Sir, Downing-street, 9 November 1840.

No. 18. Lord John Russell to Sir Geo. Gipps, 9 Nov. 1840.

I HAVE to acknowledge the receipt of your despatch of the 28th of February last, No. 31, transmitting plans and reports, prepared under the direction of the commanding royal engineer, for the erection of a prison at Norfolk Island.

I referred these papers for the consideration of the Secretary of State for the Home Department, by whom it was forwarded for the report of the home inspectors of prisons. A copy of that report is herewith inclosed.

On a consideration of the arguments of the inspectors, and of your opinion, expressed in the despatch now before me, "that if Captain Maconochie's system is to be tried at all it should be tried as a whole, and not parts of it only be adopted." I recommended to the Lords Commissioners of the Treasury to sanction the erection of the prisons on the plan proposed by that officer. Their Lordships having signified that they are prepared to sanction the admission of this expenditure, you are at liberty to commence this and the other minor works provided for in the estimate submitted by Major Barney.

I am, &c.

(signed) *J. Russell.*

Enclosure in No. 18.

Sir, Whitehall, 12 August 1840.

Encl. in No. 18. 11 August.

I AM directed by the Marquess of Normanby to transmit to you, for the information of Lord John Russell, the enclosed report of the home inspectors of prisons upon the documents transmitted in your letter of the 5th instant, relative to the erection of prisons at Norfolk Island.

The documents transmitted in your letter are herewith returned.

I am, &c.

J. Stephen, Esq. &c. &c. &c.

(signed) *S. M. Phillipps.*

Sir, Raymond Buildings, 11 August 1840.

WE beg to acknowledge the receipt of your letter, dated the 7th instant, transmitting, by direction of the Marquess of Normanby, for our report, a letter from Mr. Stephen, with the several documents therein referred to, relative to the erection of prisons at Norfolk Island.

In reply, we beg to state that we have carefully examined the documents and plans transmitted to us; and we submit to his Lordship our opinion, that as directions have already been given for carrying Captain Maconochie's plan into effect at Norfolk Island, and as that officer is now engaged in doing so, it would not be advisable at present to build a prison at that island on any other principle of construction than that which he has recommended, and least of all on the separate system to which Captain Maconochie has so strenuously objected. Should Captain Maconochie's mode of treating convicts prove unsuccessful, the failure would most probably be attributed to his not having had placed at his disposal the means which he stated to be necessary for success, and also to his having had forced upon him

him a prison upon a principle of construction to which he has declared himself strongly opposed, both in principle and detail. We therefore venture to suggest, that if Captain Maconochie's views are to be adopted, he should be allowed to work them out fairly and fully in the experiment now to be tried in Norfolk Island; and it appears to us that in no other way can it be determined whether the plan of convict management which he recommends is or is not one of practical utility. We find that our opinion on this point is also entertained by Sir George Gipps, who states in the despatch transmitted to us, that he "cannot help feeling anxious, that if Captain Maconochie's system is to be tried at all it should be tried as a whole, and not parts of it only be adopted."

In support of this view of the case we beg further to observe, that the character of the separate system of prison discipline might receive serious injury in this country as well as abroad, if the enforcement of it were entrusted to an officer so avowedly hostile to it as is Captain Maconochie, and in a prison so modified (and divested of arrangements indispensable to the carrying out of the separate system) as that described in the plans transmitted by Sir George Gipps.

The first of the proposed modifications, viz. that the lower cells are to be as dark as they can be made consistently with the free admission of air, and of so contracted a size as eight feet by five feet, appears to us to be highly objectionable. In proof of this we need only refer to the mischievous and even fatal consequences which attended the first experiments of the separate system in the United States, and which were entirely owing to their having been made in cells of this description, in which neither employment nor instruction could be carried on, and where the mind and health sustained serious injury.

By the second modification it is proposed to dispense with the required warming and ventilating apparatus, as being unnecessary in a climate where the external air may be freely admitted in all seasons of the year. Although this remark may be just as regards the warming of the cells, it is certainly not correct in respect to their ventilation. Experience has proved that a cell which is to be constantly occupied cannot be thoroughly ventilated without a regular current through the cell, an advantage which can only be secured by a ventilating apparatus on the principle which we have adopted. At periods when the atmosphere is stagnant, or when the wind blows in a course opposite to that in which the apertures for ventilation are placed, no current can be maintained through the cell, and the air immediately becomes vitiated and unwholesome. We are strongly impressed with the opinion that the enforcement of even short sentences, in cells such as those proposed, would be productive of injurious consequences.

From an examination of the plan No. 2 we observe a further modification, although no distinct reference is made to it in the despatch of Sir George Gipps. It appears that in the cells on the upper floors the length of the cell is parallel with the corridor (instead of being at right angles). By this arrangement a complete inspection of the cell is rendered impracticable. This difficulty is increased by the position of the cell doors.

For the reasons which we have stated, we consider it advisable that if Captain Maconochie's views of convict treatment are to have a trial, he should be permitted to build a prison in conformity with those views. At the same time we feel particularly desirous to guard ourselves against the supposition that we approve in any degree of the plan for a prison (No. 3) which he has recommended; a plan which is entirely at variance with those principles of construction which we deem essential to an efficient system of prison discipline.

We herewith return the several inclosures of your letter.

We are, &c.

(signed) *William Crawford,*
Whitworth Russell, } Inspector of Prisons,

S. M. Phillipps, Esq.
&c. &c. &c.

— No. 19. —

(No. 76.)

No. 19.
Sir Geo. Gipps to Lord John Russell, 27 June 1840.

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

My Lord, Government House, Sydney, 27 June 1840.

I REGRET very much to be forced to trouble your Lordship with copies of rather a voluminous correspondence which I have had with Captain Maconochie, on the subject of his proceedings at Norfolk Island.

Enclosures A. to K. For Lord Normanby's Despatch, 11 May 1839, vide Papers ordered by the House of Commons to be printed, 27 Aug. 1839, No. 582, page 10.

The authority under which Captain Maconochie was appointed by me to the superintendence of Norfolk Island, was contained in Lord Normanby's despatch, marked "Separate," of the 11th May 1839. The general nature of the duties to be confided to him was defined in his Lordship's despatch of the same date, No. 46.

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In a series of despatches, from No. 27 to No. 33, between the 24th February and the 1st March in the present year, I detailed at considerable length to your Lordship the measures which I had adopted in respect to Norfolk Island, in consequence of Lord Normanby's instructions throughout the whole of these despatches, as well as in Lord Normanby's despatch above mentioned of the 11th May 1839, the principle is, I think, sufficiently apparent, that the prisoners sent from England were to be kept at Norfolk Island, quite distinct from those who had previously been transported thither for offences committed in New South Wales; and that whilst Captain Maconochie was at liberty to try experiments, and put his own system in force in respect to the former, he was in no way authorized to alter in any essential particular the discipline or management of the old establishment of the doubly convicted. In all the conversations I ever had with Captain Machonochie on the subject, as well as in my written and official communications, I proceeded on the well-understood assumption, that the establishment of the doubly convicted, was to be kept for the present entirely separate from the new establishment, and ultimately to be removed altogether. Your Lordship will, therefore, I am sure, readily imagine what must have been my surprise when I learned that Captain Maconochie had, within a week after his arrival in Norfolk Island, abolished all distinctions between the two classes; that he had extended equally to all a system of extreme indulgence, and held out hopes, almost indiscriminately, to them of being speedily restored to freedom; that he had entirely overlooked that passage in Lord Normanby's despatch, which even in respect to prisoners from England, directed "that a fixed period of imprisonment should in the first instance be allotted for the punishment of the crime of which the prisoner has been convicted," and disregarded equally the effects which so great a change of discipline at Norfolk Island was calculated to produce on the large convict population of this colony, and the feelings of dissatisfaction and alarm with which the colonists of New South Wales would contemplate the speedy return to the colony of more than a thousand persons of the most reckless character, who had been sent from it for the commission of crimes, for the most part of the deepest dye.

Your Lordship will perceive by the correspondence which is enclosed, that though my disapproval of Captain Maconochie's proceedings was notified to him on the 28th of April 1840, and received by him on the 20th of May, no attention whatever was paid by him to my communications, but that, on the contrary, within a few days after the receipt of them, the whole convict population of the island was, on the occasion of Her Majesty's birth-day, regaled with punch, and entertained with the performance of a play.

I have felt it my duty to repeat my instructions, as contained in the document marked (F.), and I trust that by the declarations which I have made in the Legislative Council of my having done so, the very general alarm created in the colony by Captain Maconochie's proceedings will be abated.

In conclusion, I will only observe, that my desire to see Captain Maconochie's system tried in a fair and proper manner remains undiminished; but I must submit to your Lordship that in trying it, the feelings, or even the prejudices, if it be proper so to call them, of the colonists of New South Wales, should in some reasonable degree be attended to.

I have, &c.

(signed) *George Gipps.*

(A.)

(No. 11.)

Sir, Norfolk Island, 26 March 1840.

In introducing the new system of management into this establishment, I had occasion to publish in orders, and otherwise circulate among the prisoners especially, two long explanations of it, copies of which are annexed. They do not contain anything new to your Excellency; yet, as instructions given to this community, I am compelled to invite your particular attention to them, and to the following observations in relation to them.

1. Your Excellency may, perhaps, think that I have been precipitate in extending the mark system at once, under them, to the whole prisoners here; but I found my difficulties very

very much increased by delaying to do this. The officers under me were confused by conflicting methods; their zeal in favour of the men was only half exerted while it appeared only half introduced; the hopes of the old hands were thus also but half roused, the system of rewards remaining inapplicable to them. I was confined in regard to them to the mere old stimulants of disgraceful punishment. The difference however in their treatment created dissatisfaction in them, and a series of injustice towards them, which, had they continued, would have been found practically very inconvenient. Even in this statement, then, I think that your Excellency will see enough to justify my resolution; but it was further justified, also, by the explicit terms in which the application of the change to all prisoners appears to me to be recommended, both in the Report of the Transportation Committee and Lord John Russell's Minute. In both these documents the continuance of transportation to Norfolk Island and Tasman's Peninsula seems only to be contemplated conditionally on such a change, and is scarcely otherwise recommended at all.

2. Assuming the change, then, to be properly extended to all (without which moreover a generally applicable experiment could scarcely be said to be made), your Excellency may yet think that the numbers of marks which I have provisionally assigned as commutation for each sentence are either too few universally, or not sufficiently graduated according to scale of offence. As regards the first part of this objection, then, I would observe, that the several rates impose a pecuniary fine on seven years' men (first conviction) of 25 *l.* (6,000 marks or pence), besides the value of their work, and the cost or price set on any indulgences that they may purchase while in confinement. On 10 years' men this fine will be 29*l.* 3*s.* 4*d.*, or 7,000 pence; on longer sentences it will be 33 *l.* 6*s.* 8*d.* (8,000 pence); and on second convictions, 4*l.* 3*s.* 4*d.* (1,000 pence) more are added to these several sums; moreover, though the means of earning them are apparently placed within the men's reach in comparatively short periods (two or three years), yet to suppose that, practically, they will earn them in these periods is to suppose that they will refuse themselves every indulgence in the meantime; this, however, is neither to be expected nor desired. To respectability in appearance and clothing, and to decent comfort in every other way, I, on the contrary, wish especially to direct the men's own *amour propre*, and I have no doubt that all will thus purchase; yet such, for their own sake, to take proper care of extra clothing and other accommodations, and the periods of their confinement will be thus proportionably extended. Lastly, I extremely deprecate necessarily long detention in any form of prison whatever. Where the object is reform, not vindictive punishment, and the maintenance of hope in the men's minds, not mere acquiescence in inevitable suffering to a necessarily distant period, appears to me calculated to produce a very disadvantageous effect. We are all short-sighted in such matters, and prisoners are peculiarly so; their early crimes are for the most part due to this, and the removing to too great a distance any moral magnet that may be presented to them, will in all cases, I am persuaded, go much further to neutralize its effect than any other nullifier that can be imagined. Men will go through 50 times the toil and self-denial to acquire a near advantage than they will in pursuit of a distant one; and the most beneficial medium is to make the advantage appear sufficiently near to stimulate exertion, yet in reality sufficiently remote to give time for improved habits to be confirmed. In the present instance I may not have struck on the maximum, but I have had it in view and sought it.

3. And the reasoning thus adduced applies in part also to the next portion of the objection anticipated; for if necessarily long periods of confinement are bad for all, they are not better for grave or renewed, than for slight or final offences; but besides this, the moral guilt of grave and slight offences, of the same character, is for the most part much more nearly the same than may at first be thought: the man who is unfaithful in little would be unfaithful in much, if he had the opportunity; and the man who strikes a reckless blow without deadly effect, is not absolved of his guilt by the favourable circumstances which have courted the possible consequence. I would not be considered as conveying this so far as to regard all offences as equal, but the existing law undoubtedly appears to me to carry the difference between sentences to much too great a length; and as regards second convictions, at this moment especially, I would be inclined to carry lenity to the utmost possible length consistent with probation at all. The existing view of convicts I consider for the most part (and I have elsewhere repeatedly said it) the direct creation of the management to which they have been subjected, and the improved condition of this island within the last few months is a speaking proof of the correctness of this opinion.

4. The promise of a colonial store and workshop, contained in s. 14 of the second paper, is the only other point to which it appears necessary now to advert; and in regard to it I would observe, that if we are to have the character of a school of improvement at all, we must have some such independent means of stimulating and assisting industry and voluntary exertion, or we must inevitably break down under the attempt. We cannot thus work through the medium of either the ordnance or commissariat; these departments, with the best possible intentions, are so fettered by rules and regulations, by the necessary care of tools on the one hand, and the necessary preservation of regularity in their accounts on the other, that we cannot convert them either into schools or retail merchants trafficking for marks, &c. So to complicate our apparatus would be really to paralyse us altogether; and on the other hand, there seems to be no substantial objection to the simpler method; a common debtor and creditor account could easily be opened with us by these departments, on the one hand charging us with the fair cost of public materials furnished us, and on the other, crediting us with whatever pecuniary return we were enabled to realize. I do not doubt that for a time, and here especially, where the means of beneficial employment are few, the balance thus struck would be against us; but in benefit to the men, in giving value to their

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spare time, in stimulating them thus to regard time, which at present they merely seek to waste and consume, and in giving them resources for gaining honest livelihoods after discharge, the gain would, even from the first, be immense and progressively; even the pecuniary balance, I am confident, would be on our side also.

I do not pursue the subject further here, because I found in it certain details, to which I ask your Excellency's convenience in another letter (No. 12); neither do I think that there is any other point in the accompanying papers which requires remark.

I have, &c.

His Excellency Sir George Gipps. (signed) *A. Maconochie.*

(B).

(No. 1.)

The superintendent, on taking charge, is desirous of explaining to the community the details of the system of discipline which he is directed to introduce into the settlement, and to which the prisoners landed from the Nautilus are to be immediately subjected. To give fair play to the first trial of this system, these men are also ordered to be kept for a time separate from the old hands; and the superintendent trusts that no unnecessary difficulty will be experienced in carrying this order, as far as possible, into effect; but in return, he pledges himself, gradually, as he becomes acquainted with the old hands, and as he is enabled to confide in their desire to profit by the advantages which the new system holds out to well-conducted men, that he will remove this restriction, place all on the same footing, and exert himself to procure release from the island to all on nearly the same terms.

1. The object of the new system is to improve and reform the men themselves who may be subjected to it, not directly to make examples of them to others. It is thus calculated to confer the greatest possible benefit on all prisoners, even though it were not in itself much milder than any hitherto adopted. It will not prevent men being subjected to a measure of punishment in the form of hard labour, proportioned to their original offences, and to a further measure of the same, or other punishment, should they persist in misconducting themselves; but this punishment having only in view the bringing them to consider their past crimes with regret, and to form good resolutions for the future, it will be apportioned solely according to the effect which it may be thus found to produce on them, and will terminate in their fulfilment of the conditions annexed to it. It will then give place to a system of probation, or training for the future, in which the indulgences granted will be greater, and which will further terminate in entire release, so soon as the conditions annexed to it are also fulfilled.

2. There will thus be two distinct stages in the treatment of prisoners now to be adopted, viz. punishment for the past, and probation, or training, for the future; and the superintendent most earnestly exhorts the men to meet both in the right way, the first with a manly penitence and resignation, the second with a manly hope and aspiring after better things. There is most excellent honest bread to be made in all the adjoining colonies; and it will be the pride and pleasure of the superintendent rapidly to pass good men through the school of training to the enjoyment of their advantages. But on the other hand, they must really be good men whom he thus passes; they must prove this by performing all his requisitions while here; and for their own sakes they must thus endeavour to acquire the principles, and the bodily and mental powers, which will enable them to contend successfully with the difficulties which beset the attainment of honest bread in every part of the world. In proportion to the pleasure the superintendent will have in the discharging good men will be his unalterable resolution to retain bad, and his deep mortification and displeasure should those discharged ever be returned to him.

3. Good conduct in the several stages of sentence being thus made the only measure of their deviation, this conduct will be estimated by the accumulation made by each individual of marks of approbation, these marks being added to, or subtracted from, every man's account daily, according to his conduct; thus bestowing a species of wages for labour, or other merits, and imposing a fine for idleness, or other misconduct. By this means a minute record will be kept of every man's conduct, even from day to day; he will advance from punishment to probation, and from probation to entire release, just as he behaves himself. His fate will be entirely in his own hands. And there are other benefits which it is hoped will be found to flow from this arrangement.

4. Much of the offence at present existing in the settlement arises from attempts made to evade labour, or to secrete or improperly apply its proceeds, and this arises chiefly from the prisoners having no interest themselves in the produce of their labour; on the other hand, there is also at present a great difficulty in apportioning punishment for slight offences. And under the new system the superintendent will be enabled to meet both evils. He will contract with parties to execute labour, paying them in proportion to its value and quality, and he will visit petty offences with corresponding fine or forfeiture. He will thus be enabled to encourage exertion, and to discourage sloth, idleness, or deception, not so much by magisterial inspection and correction, as by conduct, good or bad, being attended with its natural results, exactly as in ordinary life; and the motives to good conduct in prison being made of the same character with those which support industry and steadiness beyond it, habitual

obedience

obedience and attention to them, stimulated in the beginning by an extraordinary interest, will be the best preparation for return to society.

5. The superintendent is not at present authorized to make definitive arrangements as to the proportion of marks to be gained previous to release from particular sentences; and whatever he does on this head now must therefore be considered as provisional, until sanctioned by his Excellency the Governor of New South Wales, and by Her Majesty's Government at home. But anxious as he is to pass steady good men quickly through his hands, he will strongly recommend that seven years sentences be made commutable for 6,000 marks, 10 years for 7,000, and 15 years and upwards for 8,000, the first 2,000, 3,000, and 4,000 marks respectively to be considered as the punishment portion of the several sentences, during the period employed in gaining which the restrictions imposed on the men will be most severe, and the indulgences granted them fewest; and to enable them to gain these several numbers, he will allow 10 marks a day, or 60 marks a week, for ordinary day labour, well and truly performed, (deducting Sundays and all other idle days, whatever the occasion or pretence for them,) with addition up to 16 marks a day for mechanical or any other superior labour, under the same reservation; and in every case subject to fine for misconduct. He will also be willing to contract for work to be executed, to receive tenders for it, and thus as closely as possible make his marks serve the ordinary purposes of money in society. He will even go further, and on his own responsibility give them for the present a direct money value; this portion of the arrangement being, however, in a peculiar manner subject to revision, and approved in New South Wales and England. If there rescinded or modified, the superintendent must carry into effect whatever instructions he may receive in regard to it.

6. The value which he proposes at present to give to marks is one penny each; and one-half of all punishment marks must be gained before any exchange of them for present indulgences will be allowed. But during the remainder of the punishment period, tea, sugar, and tobacco will be sold at the commissariat store in exchange for marks. During the first half of probation, a limited sale of fresh and other provisions, according to the extent of supply, will be also permitted, with extra or superior clothing, and such other better accommodation and supplies as circumstances may make disposable; and during the last half of probation the sale even of spirits, under suitable regulation, will be sanctioned. The superintendent does not wish thus to encourage the exchange of marks for immediate indulgences; on the contrary, he most distinctly explains to the prisoners that by such exchange they will necessarily prolong the period of their stay and detention in the several stages of discipline. But believing that it is only by an exercise of his own self-denial, with the further aid of the Divine blessing, that any man can be really reformed, and desirous of thus furnishing to all at an early period a field of free choice in regard to indulgences, he provisionally makes, and will earnestly recommend the continuance of the arrangement proposed; and he trusts that the temperance and moderation of prisoners under it will fully justify his expectations from it. Their whole after life may take its character from the degree in which they avail themselves of the opportunity afforded by it of acquiring self-command.

7. Only one other portion of the system seems to require present explanation. While earning the portion of their marks appropriated to punishment, the men will labour, and indulge or refrain, solely on their own account. The different periods of their sentences will not permit their being then associated in parties, besides which, the sorrow for the past, which is then to be cultivated, can only exist in each man for his own offences. But in passing into probation, when the eyes of all are cast exclusively forward, they will be required to form themselves, at their own choice, into parties of six (more or fewer as may afterwards be found best and most convenient), who will be held severally responsible for each other's conduct, and will gain or lose marks according to the behaviour of each. Nor will any one be allowed to pass from the state of punishment into that of probation till he find other five men willing thus to be associated with him. These will not all necessarily be required to labour, or even live together; this will depend on circumstances. But they will all be responsible for each other, and will thus be called on to refrain and exert themselves, for each other's sake, as well as their own. The arrangement will thus cultivate good feeling and cordiality, the superintendent trusts, among all, will restrain the evil-disposed, and give influence and authority to the well-disposed, beyond any other means that can be devised; and he attaches importance to the arrangement in proportion to the value he sets on all these results.

8. In conclusion, the object and purport of the whole system will be thus seen to be the conversion of this penal settlement from a scene of prolonged suffering, too often degenerating into a scene of aggravated and continued misconduct, into a field of moral reform, and preparation for an early return to society. The superintendent is convinced that lengthened sentences are in every way injurious. They deprive men of the years of youth and strength, which, otherwise applied, might retrieve even the most grievous early lapse, and which, when wasted in hopeless bondage, too often ripen every evil propensity. On the other hand, society must be protected against incorrigible vice and wickedness, and the right medium seems to be, to make detention in prison depend exclusively on conduct and disposition manifested in it. If men will be wicked, they must be confined; but if at any time they will repent and turn from their evil ways, the effort will always compass the end. With similar long-suffering does God Almighty, the God alike of free and bond, treat all the sons of men. The best of us, in truth, stand only through this indulgence. And it will be

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be found, it is hoped, our temporal interest, not less than our Christian duty, to follow in the same path.

9. In the spirit of these views, then, the superintendent repeats to the old hands what he said to them in the beginning of this explanation. At the earliest possible period he means to bring them under the same regulations with the new. Meanwhile, it is trusted that they will acquiesce without murmur in the difference and separation ordered between them; and the more quickly and willingly they submit to these, the sooner they will terminate, for the sooner will the superintendent acquire the confidence himself, and be enabled to infuse it into those to whom he is responsible, requisite to justify their removal. Once entered on the system, their fate, equally with that of the others, will then be in their own hands. From the greater amount, duration, and repetition of their crimes, their trials, before release may be somewhat longer and more severe. On this head the superintendent can promise nothing specific till he receives further powers and instructions. But whatever they may be, they will be as nothing compared to their present prospects, if they will but behave well; and if they will not, they are unfit for freedom, and no time will procure it for them.

(signed) *A. Maconochie.*

(C.)

(No. 2.)

After a week's experience the superintendent finds the difficulty of maintaining two systems of discipline at the same time on the island almost insuperable, and the attempt, as he thinks, is even otherwise inexpedient. He has therefore resolved to put the mark system into full operation universally on Monday next, the 16th instant.

The first regulations connected with it will be as follows; but as in a first experiment they may prove imperfect, and some of them may even require considerable modification, they will be considered as only provisional until a short trial is made of them. At the earliest possible period they will be confirmed or finally altered.

1. A nominal list of all prisoners on the island will be made out, with a statement of their respective sentences, periods of arrival, conduct, and character. On this the superintendent, with the assistance of the officers of the establishment, will determine the number of marks which each must earn in order to obtain successive indulgences; and the list thus completed will as soon as possible be suspended in the barracks.

2. In preparing it the utmost attention possible will be paid to insure strict justice and impartiality to all, and the decisions made must therefore in general be considered final, for the inconvenience will be excessive of re-investigating each separately; nevertheless the superintendent will listen to any representation made to him on this subject through any of the heads of departments, and he requests these gentlemen to listen patiently to such representations if made to them, and before coming to him, to judge of their merits, and be prepared to give an opinion for or against them.

3. The general rule for apportioning these marks has already been laid down, viz. 2,000 marks for seven years' men, to be called punishment marks, and allotted before they enter on probation; 3,000 for 10 years' men; and 4,000 for 15 and upwards; one-half to be earned before any can be exchanged for present indulgences, and the whole to be followed in every case by 4,000 marks of probation. And according to the average scale of wages also laid down (10 marks a day), these several numbers may be earned, the lowest in 600 working days, or less than two years, and even the highest in 800 working days, or less than three years. But this can only apply to first convictions. Second convictions arriving in the present year will have 1,000 marks added in each case, according to their sentence, and these may, in truth, consider themselves even too leniently treated with only this addition; but the superintendent is desirous in beginning the system to lean on all occasions possible to the side of hope and mercy. The older hands will equally have 1,000 marks added, according to their respective sentences; but when they have behaved well they will have 100 marks allowed them for every three months they have passed on the island. And although the superintendent must mark his sense of repeated misconduct in past times, or rather his want of confidence in consequence of it, by withholding this indulgence in some cases, he will not do so where there has been good conduct lately, and a disposition thus evinced to reform.

4. In order to enable men to earn their several numbers, as already explained, wages will be allowed them, according to the work in which they may be employed, or the value of the service they are enabled to render.

5. Common day's wages at the settlement will be nine marks instead of ten, formerly proposed. The superintendent finds that the labour at Longridge is so much more severe than at the settlement, that its infliction has usually been considered a punishment, and an advantage in wages will therefore be given to it.

6. Common day's wages at Longridge will thus be 11 marks.

7. Common mechanics' wages in public service will be 12 marks everywhere; and the overseer of marks will be authorized to graduate them up to 16 marks, at his discretion, according to skill evinced or severity of work imposed.

8. Overseers' wages will vary from 12 up to 18, at the discretion of the officer in whose department they are employed; but fines at any times imposed on them will be, in the same proportion,

proportion, higher than on the other men. They are looked to for an example of good conduct in all cases.

9. Sick and invalids doing no work will be allowed of right no marks whatever. In ordinary life, in the same circumstances, they could earn no wages, and their situation in a prison is sufficiently advantageous where they receive their rations without labour; but the surgeon will be authorized, at his discretion, to recommend individuals among them to small pensions, either for the accumulation or for the purchase of present comforts, as the case may be.

10. Sick and invalids doing light work will be allowed from six to eight marks daily, according to the nature of their work; or if they prefer it, the value of that work will be granted them according to a scale of prices for piece-work which will be immediately prepared. The surgeon will be authorized to make specific recommendations of men in this class also.

11. The principle of piece-work will equally be acted on in all cases where it can be made to apply. Labour by measurement, whenever practicable, will thus be preferred to labour on day's wages.

12. Four free overseers have arrived with the superintendent expressly to work this system, and their duties will be apportioned to them accordingly. Two will reside at Long Ridge and two at the settlement. They will visit at intervals during the day the parties placed under their charge, and they will record each evening, and the following day suspend in the respective barracks the exact number of marks that each man has earned.

13. Their powers in awarding these will be thus limited. When no specific complaint is made of a man by his overseer, he shall be entitled of right to his full wages without favour of any one; and when a complaint is made, and a fine is consequently imposed, the offence must be precisely stated in the mark-book, of which what is suspended in the barracks will be the abstract. In like manner, when additional marks for good conduct are awarded, the reason for them must equally be stated; and the overseers, besides being required to investigate each case on the spot before deciding on it, will only be authorized to fine or reward as far as three marks, without reference in the beginning to the superintendent himself: afterwards to such superior officers as he may specially delegate this authority to.

14. A colonial store will be opened as soon as arrangements can be made for it, wherein all works exhibiting industry and ingenuity on the part of the prisoners will be bought, and marks allowed for them according to their probable value when sent to Sydney for sale; and to assist men in thus employing their spare time, some change will shortly be made in the working hours, and some facilities, not yet resolved on, will be afforded for using tools (probably a workshop or shed will be provided, when the use of tools will be let on a suitable scale of hire, at so many marks for each per day or hour, according to its value), by which means the opportunity of usefully and laboriously employing spare time will be afforded gradually to all, and yet expense will not be incurred by Government from the arrangement.

15. The superintendent is anxious in like manner to encourage schools of all kinds to be opened for the benefit of the prisoners at their leisure hours; and he will liberally reward in marks proficiency exhibited in any, but on the same principle as is laid down in regard to the tools. The privilege of attending them must be paid for in marks. It is the opportunity of learning that will alone be furnished. Those who desire a harvest in any branch must be content to pay for their seed-corn.

16. A library will also shortly be established on the same terms; and the superintendent wishes much to get up a band of music and to instruct, but also on the same conditions, as many men as may desire to add the cheering, enlivening, and frequently useful accomplishment of a knowledge of music to their own resources in after-life. Men thus qualifying themselves to assist at Divine service, or on other public or private occasions while at the settlement, will also earn marks accordingly.

17. The superintendent is somewhat embarrassed as to arrangements about men in private service. On the one hand he wishes the officers to be well served, but on the other the situation of private servants is so much more comfortable than that of men in the public works that their labour ought not to be highly paid. For the present he will allow 60 marks per week (something more than the allowances for common settlement labour) to all servants, and he will authorize the several masters to add as many as 20 more to good servants, and to fine misconduct to the extent of 20 less, at their own discretion, to enable them, without reference, to encourage attention, and discourage idleness or neglect. The masters will thus be required at least once a week, at their convenience (every Saturday morning will be best, for the sake of regularity), to send an account to the office of their appropriation of marks, for the information of the mark overseers.

18. Extra labour and confidence will, in all cases possible, meet with corresponding reward. Thus master mechanics instructing others will be wanted as overseers and the police. The boatmen, when so employed, the wardsmen, and all similar cases, will be similarly dealt with. Superior services shall in no capacity be overlooked.

19. The prisoners will remember that on the new system their treatment will be divided into three principal portions: punishment without the power of exchanging their marks gained, punishment with that power, and probation in social parties, of which all the parties will be made responsible for each other's conduct; and when the system is fully organised, and has been sufficient time in operation to make such a regulation possible, it will probably be determined that only men past the first stage shall be eligible for overseerships or private service, and only men past the second be allowed to sleep out of barracks near their

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country labour; but at present shepherds, stockmen, sawyers, and others allowed to sleep in the bush, or to whom it may be convenient further for a time to extend this privilege, shall hold it without reference to this classification, and shall only be made responsible in small parties for each other's conduct.

20. It is not the superintendent's wish or intention that any one shall be put in a worse position under the new system than under the old, and therefore no interference will be made with the operation of the Colonial Act in favour of any. The marks gained by those eligible under this to return to Sydney, so far as they may be exchanged for present indulgences, will thus add to their present comfort; and whatever balance may be over, on their departure, the superintendent will endeavour to procure permission for them to transfer to any other prisoner or prisoners (themselves being also well-conducted men) that those departing may please to select. He very much desires thus and by every other means to encourage good feeling and cordiality among the men under his care.

21. He entreats them one and all distinctly to understand and remember that he is not yet authorized to promise to any one an absolute remission of his sentence, whatever his conduct may be; he can at present only recommend; but it rests, he is persuaded, with the prisoners themselves, and themselves only, to make his representations and recommendations in their favour certain of success. By their continued good conduct they may, to any extent, strengthen his influence in this way; and by misconduct, if even only confined to a few, they must weaken and may destroy it. It has already, since his arrival, been his most painful duty to award disgraceful punishment for disgraceful conduct—insubordination, aggravated by indecent language; and so long as similar offences continue to be proved before him, they will be considered elsewhere as undeniable proof that he has not succeeded in bringing the community into such moral order as may warrant the general indulgence that he is anxious to procure for them. But if, on the contrary, the men under new impulses will rise from turbulence to order, and from insolence and obscene language to obedience, civility, and decorum, there is nothing, he is persuaded, that will be refused him in their behalf by a paternal government, the eyes of which are now fixed upon them. They must thus themselves labour with him. Every gross or brutal act or expression, every falsehood appearing on the face of the police records, will operate to the disadvantage of all, and to no one's disappointment more certainly or grievously than the superintendent's own. He is sanguine in his hopes of being able under the new system to raise every one, even from the lowest depth, to renewed hope and manhood. But he can work no miracles; who would be served by him, must first of all serve himself.

(signed) *A. Maconochie.*

(D.)

No. 40/54.

Sir, Colonial Secretary's Office, Sydney, 28 April 1840.

I am directed by the Governor to inform you that he has read with great attention, but not without some degree of surprise and apprehension, the two public orders issued by you at Norfolk Island, and transmitted with your letter of the 26th ultimo (No. 11).

Had the first order been addressed solely to the prisoners sent direct from England, his Excellency would have received it in a different light, although even in respect to them, expectations are held out which it appears to him very doubtful whether you will ever be in a condition to realise. The Act of the 2 & 3 Will. 4, c. 62, is still unrepealed, and so long as it remains in force you have not, neither has the Governor any power to bring prisoners from Norfolk Island until they shall have been there the full term of four, six, or eight years, according as their sentences are respectively for seven or fourteen years or for life, and it must be evident that if a prisoner for life accumulate in two years, as it appears to his Excellency he may, the number of marks allotted to him by you as the price of his freedom, great dissatisfaction will result if he fail to obtain it. Another point to which his Excellency feels it necessary to allude in the first order is, the expectation which is held out in it, of the sale of spirituous liquors being permitted on the island, and he instructs me to remind you that at no time when this subject was mentioned by you to his Excellency did he go further than to say that when your views in other respects had been realized (but not sooner), your opinion respecting the introduction of spirits might claim consideration.

In respect to the expectations held out to the doubly convicted, in the first order, his Excellency will say nothing, as any observations he could make would be superseded by those which are called for from him by the second order

The alterations made by you in the discipline and management of the doubly convicted are, the Governor believes, illegal, as by the Act of Council, 3 Will. 4, No. 3, section 7, the then existing Regulations for penal settlements were adopted as part of that Act, and the power to vary them goes only to the Governor, with the advice of the Executive Council.

The understanding on which you were sent to Norfolk Island was that the new establishment at Long Ridge should be kept quite distinct from that of the old settlement, and if no positive instructions were given to you in this respect, it was only because such an order was judged by the Governor to be unnecessary, in consequence of the anxious desire constantly expressed by you that it might be so. In the management of the men sent from England you were allowed very great discretionary powers, powers which his Excellency felt disposed to look upon as limited only by the law (as for instance the 2 & 3 Will. 4, c. 62), and by the necessity of observing a due degree of economy in the expenditure of the public

public money, but in respect to the old or doubly convicted prisoners, no powers were, as far as his Excellency recollects, given to you to hold out expectations such as are contained in the second order; expectations which he is reluctantly forced to say he has it not in his power to realize. The Governor cannot promise to brink back to New South Wales all or any number of the prisoners at Norfolk Island as soon as they have accumulated the number of marks allotted to them by you, and the consequence which might result to the colony if he did so, are too serious to contemplate. Already his Excellency even fears that the report of what is going on at Norfolk Island will destroy the salutary dread in which transportation to it has always been held among the convict population of New South Wales, whilst, for the present at least, he has it not in his power to substitute any other kind of punishment.

I have, &c.

The Superintendent, Norfolk Island. (signed) *E. Deas Thomson.*

(E.)

(No. 17.)

Sir, Norfolk Island, 27 May 1840.

I HAVE the honour to acknowledge your letter (No. 40/54.), conveying to me his Excellency the Governor's impressions in regard to my proceedings here, relative to the penal prisoners; and without quoting your precise expressions, it gives me very great pain to gather from them that he disapproves of them. In this letter, however, I shall endeavour to set the whole subject in successive lights, calculated, as I think, to modify his Excellency's opinions, or at least to meet his most decided objection; and I shall be obliged by your bringing it under his early consideration.

1. I assure his Excellency that it was altogether impossible for me to maintain the distinction which he wishes that I had done, between the English and penal prisoners, or even between the management of both. I made the attempt in the most perfect good faith, and almost immediately found the difficulties insuperable. The agricultural establishment at Long Ridge requires 600 men, and I only brought 180 with me. It was the beginning of maize harvest, and it was indispensable to employ all in the same fields at the same labour. The overseers over the new hands were necessarily from among the old, in order to instruct them. Their cooking apparatus was in common, their places of mustering and worship were the same, and no force could thus maintain a distinction. It will be in his Excellency's recollection that I anticipated some difficulties of this kind, but they were much exceeded by the reality. The mechanics required by the Ordnance from among the new hands were necessarily employed in the same shops with the old. Everything tended to a fusion, even to the interest excited in each body about the other.

2. But further, these became obvious almost immediately, the greatest possible moral inexpediency, as it appeared to me, in ever making the attempt to preserve this distinction. It enlisted every old prisoner on the island against me. I had occasion at an early period, in a attempt to keep up the old sytem with the old hands, to inflict three very moderate corporal punishments. and the Protestant clergyman came to me to express a hope that I would not do so again, for that he had never seen the barrack-yard in so much agitation as on the occasion. The whole success of my experiment I thus felt to be at stake; I could not isolate my people, and it was indispensable, therefore, to bring the concurring circumstances into harmony with the influence sought to be impressed on them. I might as well have tried to make experiments on steam in an ice-house, as have sought to develope the powers of moral reasoning and persuasion amidst every possible form of moral counteraction. It appeared to me even an indispensable duty instead to endeavour to cut off the stream of this counteraction at its source.

3. The objections to this course did not either appear to me really so serious as they seem to do to his Excellency. It is true that the understanding on which I left him was that the penal prisoners were not immediately to be brought under the new system, but the difficulties in avoiding this were not then fully appreciated, and the case in consequence was in some measure a new one. Both principle and authority appeared to me also in favour of the men I took; for why (it occurred to me) should these men be excluded from an improving system? They had been, above all others, injured by a deteriorating one; and ought this, their greatest misfortune, and for which they were in no degree accountable, to exclude them from the chance of amelioration? Ought the most sick to be excluded from the hospital, while the least sick were received? And, as I mentioned in a former letter to his Excellency himself, the report of the Transportation Committee, and the minutes of Lord Howick and Lord John Russell, contemplated no such exclusion; but, on the contrary, every one of these documents reasons on a total and complete change being immediately made; and the first of them even makes such change the only and indispensable condition on which it recommends the retaining of transportation in any form as a secondary punishment.

4. His Excellency next, however, seems to consider that in carrying out my views I have made rash promises; yet I have guarded these promises by every form of words that I could devise; and have again and again, verbally and in writing, stated them to be provisional and contingent on the approval of himself and of Her Majesty's Government at home. As a matter of fact also they are distinctly so contemplated here. It is true that they in some measure conflict with the Act quoted by you, 2 & 3 Will. 4, c. 62, but it can scarcely

NEW SOUTH WALES.

be doubted that this Act will be repealed, if indeed it has not already ceased to be law. Lord Howick, in his minute, exemplifies the mark sytem by taking 9,000 marks as his number, and considers that these may be gained in three years; and Lord John Russell directly speculates on the economy to be derived from shorter punishments. Two years' penitentiary imprisonment at home is also, I believe, the commutation for seven years' tranportation. And as to the danger to be apprehended from this, I would respectfully appeal to his Excellency whether, in any scale, two years of studied and systematic improvement of character can be weighed against any number of years of almost systematic deterioration of it? No time, under the old system, could be depended on for making a good man here; on the contrary, all its tendencies were the other way, and its utmost aspiration, as the utmost aspiration of nearly the whole of colonial feeling and reasoning on prison discipline, is simply to make him cautious. But an incredibly short period, under the new system, may, I contend, work wonders in the way at least of temporary and external, and, in many cases, I am persuaded, even of genuine and what will be found permanent reform.

5. On this head, indeed, I earnestly invite his Excellency's attention to the documents annexed, and labelled A 1, 2, 3, &c. They are the testimonies of the several officers in this establishment to what has been already done here, and will be found to come from various egrees of prepossession, from friends, from opponents, from whole converts, and half converts, &c.; moreover, I have not dictated or even suggested the contents of one of them. I scarcely accord with the entire sentiments of any; and the evidence they give is thus above all suspicion; yet as a whole so clear is it, so conclusive, that to enlarge on it would be merely to weaken its effect. I especially refer to the evidence of the two surgeons, Drs. Stuart and Reid.

6. But you further advert to his Excellency's apprehension of encouragement being given to crime in New South Wales, by lenity being shown here; and in the present demoralized state of the prisoners and lower classes of free in New South Wales, in which the appeal made by the laws to them has been long only through their fears, I admit that it is very difficult not to believe that some such effect must take place. But in the first place, I doubt the likelihood of its being to any great extent; and, secondly, I doubt extremely (I say it with submission, but yet with entire conviction in my own mind) whether its occurrence to any extent would be a great public loss or evil. I think that the degree in which severe punishments deter more from crime than lenient ones is very small indeed; and I feel confident that if every prisoner in New South Wales could be sent to me for two years, he would return a better man and citizen than he came. I would not, therefore, encourage crime; but I would not damage a great public experiment, an experiment connected with the penal administration of the whole empire, for the sake of fears which, to any great extent, I believe to be groundless, and which to any possible extent appear to me directed against that which would no doubt be a temporary evil, but a real and lasting good.

7. On this head also, however, I am enabled to forward papers which I think bear importantly on it; they are marked (B.), and are returns of the punishments inflicted here during the last seven years, and of the second convictions in the colony received here in the seven years. I admit that there is a measure of uncertainty in any conclusions to be thus drawn from them, for there is a fashion in punishments as in everything else; and I have little doubt that on reference it will be found that sometimes a greater, sometimes a less proportion of colonial convictions have been sent to this island, or to Moreton Bay, or to chain-gangs, as it may have happened; and therefore that conclusions drawn from our returns only may be erroneous. But, first, these returns will show the awful system to which a period is now put, and to which, when his Excellency shall have examined these records of it, I am confident that he will never desire to revert; and, secondly, they will show that the number of second convictions to this island has never borne any relation at all to the severities practised on it. They vary from year to year, according to some totally different law; and, remarkably enough, very much the greatest number in any one year was in 1835, immediately susequent to the awful example made in 1834.

8. It seems only necessary then to advert to one more point in your letter; that, namely, in which his Excellency directs you to remind me that the rules and regulations officially promulgated for penal settlements are still in force in regard to the penal prisoners here, and that I had thus no right or power to deviate from them; and on this head I admit that I can only throw myself on his consideration. The truth is, that I never thought of those rules at all as a guide; I thought them a dead letter. They were issued under General Darling's government; have never, I believe, been revised, and, except as regards the returns prescribed by them, I know of no one here who ever thinks of them. In their preamble and subsequent regulations almost every conceivable false and exploded principle of management is embodied, and even at best they are only fitted for the regulation of a camp or other concentrated establishment; not of an extended sphere of action such as Norfolk Island, though it be small, affords. I am sure that if his Excellency will reconsider these rules, he will not be surprised that I did not scruple, when other sufficient reason appeared, to deviate from them; and, in fact, one of the most important of my accompanying letters (No. 18) is devoted exclusively to the exposure of the lamentable state of society which these rules have produced among us here, and which is only one specimen among many of the essentially false and erroneous principles on which they are founded. If I have done wrong in deviating from these rules, I am quite certain that in the same circumstances his Excellency would have done so too; and if any of my other measures seem to him still to deserve censure after this explanation, as having been hasty, premature, or unauthorized, I do not think it possible that he could be displeased by their results, by the willing labour

and

and contented submission, to inevitable privations, which reward me every hour for the trouble I take to bring them about.

I have, &c.

The Colonial Secretary. (signed) *A. Maconochie.*

(F.)

Sir, Colonial Secretary's Office, Sydney, 26 June 1840.

I AM directed by the Governor to acknowledge the receipt of your letter (No. 17) of the 27th ultimo, relative to the changes you have made in the discipline of the penal prisoners at Norfolk Island, and to inform you, in reply, that his Excellency regrets he feels forced to say that the arguments contained in your letter have produced no alteration whatever in his opinion of the impropriety of the changes introduced by you in the management of the men on t e old establishment at the island.

It was stated in your former letter, that you found (although after the experience of a single week) it was impossible to carry on two distinct systems of discipline; his Excellency, without inquiring whether the experience of a week was sufficient to justify such a conclusion, instructs me to remark, that allowing the impossibility to exist, it would have been more proper for you to have suspended the execution of the system over which you had entire control, than to alter that with respect to which you had been entrusted with no discretionary power whatever. His Excellency cannot admit, as you appear to suppose, that the penal regulations of Norfolk Island had become obsolete, or that they had ever been considered so either by this government or by any of your predecessors.

Sir George Gipps will not enter into an examination of any of the arguments adduced by you to prove that your system is working well at Norfolk Island; such an examination is quite unnecessary, because his Excellency's objections to your proceedings have reference to the effects which they are calculated to produce, not in Norfolk Island, but in New South Wales; and his Excellency directs me to say, that whether the system of punishment heretofore pursued at Norfolk Island was good or bad is not the question; it was a system which caused transportation to that settlement to be held in great and salutary dread by the convict population of New South Wales, and to destroy that dread before even any substitute for transportation to Norfolk Island has been devised, would be to expose this colony to risks for which he cannot make himself responsible. I am therefore desired to inform you, that the instructions contained in my letter of the 28th April (No. 40/54), are now repeated, and that his Excellency considers nothing short of an apprehension for the safety of the island will justify you in acting in contravention of them.

I have, &c.

(signed) *E. Deas Thomson.*

The Superintendent, Norfolk Island.

(No. 22.) (G.)

Sir, Norfolk Island, 3 June 1840.

I HAVE the honour to enclose herewith papers connected with our recent celebration here of Her Majesty's birth-day. The first is an order which I published previously, and suspended in the several barracks; the second is my direction to the commissariat on the occasion; and the third, is an address to the prisoners afterwards, which was also suspended in the barracks.

In this last, I have explained so fully my reasons for this ceremoniously celebrating this anniversary that it may seem unnecessary now further to enter on the subject. I may add, however, that besides those here stated, I was in some slight degree actuated by a desire to stir up the spirit of the English, or rather Irish prisoners, many of whom are very low, about their illness, and the severity of our country work, to which they are necessarily chiefly set. The habits of the lower class of Irish are not those of hard continuous labour, and those here are generally slight of frame, and otherwise but indifferently suited to severe exertion.

Accordingly, in addressing them on this occasion, I dwelt especially on such topics as were likely to cheer them. I pointed out the better prospects before them than had been before other prisoners; and as these prospects had been opened under Her Majesty's reign, they were bound to feel especially grateful to her, &c. I rather frequently insist on such topics to all the prisoners, but on this occasion I did so particularly. The consequence was a proposal, originating I scarcely know how or when, among the officers or men, that the new establishment at Long Ridge should in future be called Queen's Town, in honour of Her Majesty; and this proposal was received with so much acclamation, and was otherwise so much in accordance with my views, though I had not myself thought of it, that I immediately undertook to ask his Excellency's permission to that effect. I even thought, indeed, of putting it at once in orders, but considering that the change would be of little value unless mentioned in an official correspondence with Sydney, I determined rather first to obtain permission.

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I have to request, therefore, that you will obtain his Excellency's instructions on this head, as also on the issue of the small quantity of rum (20 gallons among about 1,800 men) directed in my letter to the officer in charge of the commissariat. On this latter point I am little solicitous; and if his Excellency in the slightest degree disapproves of the expense incurred, I shall be most happy myself to defray it. The former is, perhaps, but a trifle also, but it is precisely of that character that mingles with the class of men concerned, and with a sequestered community especially. I sincerely trust, therefore, that his Excellency will approve of the change of name proposed; though not in orders, it is already in most popular use.

I have, &c.

The Colonial Secretary. (signed) *A. Maconochie.*

(H.)

General Order, 20th May.

The birth-day of Her Majesty the Queen falling this year on Sunday next, the 24th instant, it will be duly celebrated on the following day, Monday the 25th.

At day-break the colours will be hoisted, and the day will be kept as a general holiday. A ration of fresh pork will be issued to all the prisoners, instead of salt meat; and after dinner Her Majesty's health will be drunk with all suitable honours. The superintendent will be present on this taking place, first at the settlement, and afterwards at Long Ridge; and he will be happy to be accompanied, on both occasions, by as many of the officers as can make it convenient to attend. In the afternoon a play will be acted at both establishments, by prisoners who have volunteered thus to amuse their companions in honour of the day; and between seven and eight o'clock in the evening fireworks will be set off in front of Government-house, to witness which every one will be allowed to remain at large till eight o'clock.

The superintendent is happy in having it thus in his power to call for, and he trusts to witness, an expression of loyalty and devotion to their Sovereign and native country, proceeding even from the unhappy of Her Majesty's subjects. He will regard the cordiality also with which all shall join in this, as an earnest that they retain the feelings which, when properly cultivated, will make them again free and worthy subjects, and to nourish which, or if they are unhappily anywhere wanting, to create them, he will on this occasion forget the distinction between good and bad, and make no exception from the general indulgence. He has resolved to do this; at the same time, on the express pledge received from all the prisoners that due order and decorum will be preserved, and in particular, that when bell and bugle shall respectively sound at eight o'clock they will retire, without delay or hesitation, to their several quarters. On the manner in which they may redeem this pledge his opinion of and confidence in all of them will much depend; and if they disappoint him, the disappointment will be very great.

In the faith, however, of not being disappointed, marks will be allowed this holiday, as for a day of work; and, on the other hand, if any irregularity occur, these and even more may be forfeited by all hands. Every one must feel himself responsible for the good conduct of all, and bound accordingly to repress even the slightest indication of disorder. On this, and on the general good disposition which he thinks at present pervades all, he entirely relies that an indulgence which was never before granted on the island, will be enjoyed, but not abused; and no occasion would seem more fitted for such an innovation than the birth-day of the young and gracious Sovereign now on the Throne, in whose reign the best interests of prisoners, their reform, and not merely their punishment, has been made a specific object of state policy, and whose health and happiness, dear to all, should be consequently their especial desire. If any would abuse a mark of honour and respect paid to Her, they would deserve to be prisoners for ever.

God save the Queen!

(I.)

Sir, Norfolk Island, 25 May 1840.

It being my intention to give the prisoners the means of drinking to Her Majesty's health to-day, in a small measure of very weak punch, I have to request and direct that you issue 20 gallons of rum and 45 pounds of sugar to the superintendent of convicts for this purpose.

It is my intention to request his Excellency the Governor to approve of this issue; but, pending his decision, I beg you to consider it as a loan to myself, which I shall very cheerfully replace, should he not sanction it.

I have, &c.

D. A. C. G. Turner. (signed) *A. Maconochie.*

(J.)

Norfolk Island, 26 May 1840.

The superintendent most heartily congratulates the prisoners on their celebration, yesterday, of the Queen's birth-day. It was a universal holiday, even more agreeable to him to witness, than for them to enjoy. Her Majesty's health was drunk with all possible honours. Games and amusements of every kind were not merely allowed, but encouraged. In the evening fireworks were set off, and every man was at large almost two hours after dark to enjoy them; yet not a single irregularity, or even anything approaching to an irregularity, took place. At the appointed hour every man quietly returned to his ward; some even anticipated that hour. It is very seldom that anything half so pleasing rewards the labours or the anxiety of the superintendent of a prison; yet, when it has once occurred, it is not to be doubted that similar means will obtain it again.

The superintendent has several objects in view in granting this indulgence, and he has in some respects the same also now, in thus recording its results. He was anxious, first, to express his own loyalty and devotion to the person and service of his Sovereign, and he was still more anxious to call out a similar expression from those around him. There are many on this island who have been long exiled from their native country, and who, in all that time, have known little of Her but Her power and the severity of Her justice. Under the new views, however, of prison discipline, many of these may again become free, and it appears even an important object that their feelings of attachment for their native country should be thus revived and cherished. No man can be a good member of any society, who is indifferent to the ties which connect him with its other members, and no one can thus be a good Englishman to whom its national rejoicings are matter of indifference. Among the lesser virtues, lesser because not directly commanded by God, but virtues as bearing all sorts of good fruit, there is none accordingly which the superintendent desires more anxiously to cultivate among those under his charge, than that of patriotism, the love of the "Old country." Everything else being equal, he has the best chance of being a worthy Englishman, to whom the name, the honour, the interests, and the Sovereign of England are objects of attachment. He will not disgrace himself, from higher motives, it is to be hoped, at the same time; but yet in a lesser degree because he will not disgrace them; and wherever his fate may afterwards conduct him, he will never be their enemy, or be indifferent about them.

These, then, are two reasons why the superintendent yesterday granted so much latitude, and why he to-day formally records its result. But he has yet another, to which he specially calls the attention of the old hands. He regrets to say that his first applications in their favour have not been successful. The cattle-men are not, as yet, to be included under the Colonial Act, although his Excellency the Governor expresses sympathy for their condition, and is desirous, as he may find occasion, to alleviate it. And the ironed men are not yet authorized to be relieved, as a body, although individual applications in their favour will be considered with attention. The moral state of the penal prisoners is, in truth, still regarded with doubt and hesitation in Sydney, and it is still thought impossible to deal with them but by strong measures. The superintendent, therefore, in perfect confidence of the result, was willing to give them an opportunity of bearing witness themselves to their own character, and he records that result now, chiefly to make it official testimony, that he may make the most of it in their favour.

He earnestly exhorts all, therefore, to persevere as they have begun. None shall want his best assistance in every circumstance, who continue to deserve it as all did yesterday; he will apply again and again in their behalf, and as there is no disinclination in his Excellency the Governor himself, to review favourably their cases (of this the superintendent can give a positive assurance), but merely a distrust arising from the character and repeated occurrence of their past offences, this distrust will give place to confidence when good conduct shall be proved, and not merely promised to be habitual; and when vice shall become as unpopular among the prisoners, as, unfortunately, it has hitherto been too often popular. It is among themselves that they must thus look in future for their best friends. No testimony can be so weighty as that which they have just borne for themselves; and so in every other case. He who interposes with a comrade, and prevents a crime from being committed, will, by so much, hasten the period when confidence will be reposed in all; while he who looks indifferently on, or lies by to secure a conviction, or much more who aids and abets in a crime, will only, by so much, postpone it. Those who want friends, must thus first befriend themselves. This is a well-known maxim in the world, and the superintendent has already taken repeated occasion to press it on the prisoners' attention. But he feels that he cannot too often or too earnestly enforce it. He now thanks the prisoners for their conduct yesterday, but he considers them still more indebted to him for having given them the opportunity.

(signed) *A. Maconochie.*

NEW SOUTH WALES.

(K.)

Sir, Colonial Secretary's-Office, Sydney, 26 June 1840.

I AM directed by the Governor to acknowledge the receipt of your letter of the 3d instant, (No. 22), and to inform you that his Excellency's answer to your letter of the 27th May, (No. 17), will have made you sufficiently acquainted with the reasons why he cannot approve of your having allowed the men on the old establishment at Norfolk Island to take part in such a celebration of Her Majesty's birth-day, as is reported in your letter.

It is scarcely possible for his Excellency to conceive anything more calculated to produce mischievous effects amongst the large convict population of this colony, whether in private assignment, or the service of the Government, than to learn that men of their own class, who have been transported to Norfolk Island for crimes of the most atrocious nature, are there entertained with the performance of plays, and regaled with punch, and he considers it his duty not to allow the reports of such proceedings to reach them, without causing them at the same time to learn, that they have met with his marked disapprobation.

As his Excellency has ever expressed a desire to give to you the utmost discretion in the management of the men who were sent to Norfolk Island, expressly to be at your disposal, he will, as far as they are concerned, only remark, that the issue to them of spirits, appears to him to have been highly objectionable, and the propriety of granting to them marks, in the way of wages, for a day on which they did not work, very questionable, even on your own principles.

I have, &c.

The Superintendent, Norfolk Island. (signed) *E. Deas Thompson.*

— No. 20. —

(No. 172.)

COPY of a DESPATCH from Lord *John Russell* to Governor Sir *George Gipps.*

Sir, Downing-street, 12 November 1840.

No. 20. Lord John Russell to Sir Geo. Gipps, 12 Nov. 1840.

I HAVE received your despatch (No. 76) of the 27th of June last, enclosing copies of a correspondence which you have had with Captain Maconochie, relative to the system of convict discipline which he had been pursuing at Norfolk Island.

I regret that the experiment which was entrusted to the management of Captain Maconochie should have been so materially injured in its execution by the manner in which he has attempted to work it out. Under the circumstances which appear in the correspondence now before me, I see no alternative but to direct, that Captain Maconochie should not be entrusted with the management of any convicts who have more than three years time to serve, before, under the ordinary regulations, they may obtain a ticket of leave. The rest of the convicts at Norfolk Island should be gradually removed from under his control. You will, therefore, make the necessary arrangements with Sir John Franklin for the reception of such convicts in Tasman's Peninsula.

I have already authorised you to remove Captain Maconochie from Norfolk Island, if you should consider it necessary. The correspondence now before me convinces me of the necessity of leaving you full discretion to supersede that officer, if it should appear to you that the good of the public service required such a measure.

I am, &c.

(signed) *J. Russell.*

— No. 21. —

(No. 151.)

No. 21. Sir Geo. Gipps to Lord John Russell, 8 Oct. 1840.

EXTRACT of a DESPATCH from Governor Sir *G. Gipps* to Lord *J. Russell*; dated Government-House, Sydney, 8 October 1840.

7 October 1840.

I HAVE the honour to forward to your Lordship copies of two resolutions, which were unanimously agreed to by the Council on the motion, expressing a very decided opinion against the introduction into the colony of convicts from Norfolk Island, after transportation direct from Europe to New South Wales shall have ceased.

On

On this subject, I beg leave to refer your Lordship to my despatch, marked "Separate," of the 23d November 1839 (page 8), and particularly to the following paragraph contained in it:

"That part of the proposed plan, however, was very loudly denounced, both in the Council and out of doors, which seems to point to the introduction into the colony of convicts from Norfolk Island, when their sentences shall have expired, by which it was objected (and I must candidly say, I think with reason), that New South Wales will still remain the receptacle of convicts, and therefore will in no way be freed from the stain which transportation has impressed on it, though it will be deprived of all the benefit which it has hitherto derived from the forced labour of the convicts."

Enclosure in No. 21.

Legislative Council Chamber, Sydney, 7 October 1840. Encl. in No. 21.

1. *Resolved*, That in the opinion of this Council, the effect of transporting convicts to Norfolk Island, or other penal settlements, and introducing them, at the expiration of their sentences, into New South Wales, must inevitably be to inflict upon this colony a continuance of the worst of the moral evils arising out of transportation, together with the necessity for the enormous police expenditure inseparable from such a system, without any countervailing advantage, and would be both unjust and in the highest decree impolitic.

2. *Resolved*, That his Excellency the Governor be respectfully requested to communicate the foregoing resolution to Her Majesty's Secretary of State for the Colonies, and to represent the very earnest desire of this Council, that the strictest prohibitory measures should be adopted and enforced, to prevent the introduction into this colony, under any pretence whatsoever, of convicts transported to Norfolk Island, or any other penal settlements, after the termination or remission of their several sentences.

(A true extract from the Votes and Proceedings of the Legislative Council.)

(signed) *Wm. Macpherson*, Clerk of Council.

— No. 22. —

(No. 248.)

Copy of a DESPATCH from Lord *John Russell* to Governor Sir *George Gipps*.

Sir, Downing-street, 23 April 1841. No. 22. Lord John Russell to Sir Geo. Gipps, 23 April 1841.

I have received your despatch (No. 151.) of the 8th of October last, enclosing copies of two resolutions of the Legislative Council against the introduction into New South Wales of convicts from Norfolk Island, after the discontinuance of the system of transportation to New South Wales from Europe.

In my despatch (No. 96.) of the 6th of July last (page 13), which enclosed a copy of the Order in Council, discontinuing transportation to New South Wales, I intimated it to be the intention of Her Majesty's Government, that convicts at Norfolk Island should immediately, before the expiration of the term of their sentences, be sent to Van Diemen's Land, and that those who should receive a ticket of leave should be subjected in Van Diemen's Land to such restraints as upon a further consideration of the system might be thought most useful.

This arrangement, had it been known in the colony at the period when those resolutions were passed which you have now transmitted, would have dispelled the apprehension entertained by the colonists.

I am, &c.

(signed) *J. Russell.*

NEW SOUTH WALES.

— No. 23. —

(No. 42.)

No. 23. Sir Geo. Gipps to Lord John Russell, 6 Feb. 1841.

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell.*

My Lord, Government House, Sydney, 6 Feb. 1841.

I HAVE the honour herewith to transmit to your Lordship a copy of a letter which I received from Captain Maconochie on the 11th January last, as also a copy of the answer which I caused to be returned to the same.

26 Dec. 1840. No. 1. 27 Jan. 1841. No. 2.

In submitting these letters to your Lordship, I am anxious to point out that Captain Maconochie still presses me to fix a minimum term for prisoners from England to be under his system of management at Norfolk Island, though I have repeatedly stated to him, that so long as the 2 & 3 Will. 4, c. 62, remains unrepealed, I have no power to fix any period for granting indulgences to convicts, shorter than the periods which are therein fixed by law.

I think it, moreover, my duty to inform your Lordship, that I learn, from various sources, that the convicts at Norfolk Island very generally expect that they are to regain their freedom as soon as they have accumulated the number of marks prescribed for them by Captain Maconochie, and that many of them will probably have acquired that number before they have been on the island two years.

I confess to your Lordship, that I cannot but feel in some degree apprehensive of the consequences which may ensue, if the hopes be disappointed, which the prisoners have thus been allowed to entertain; and I am therefore extremely anxious for the answers which I expect shortly to receive to my despatches of the dates and numbers in the margin, as also to my despatch of the 27th June 1840, No. 76, in which I reported that Captain Maconochie had entirely overlooked the passage in Lord Normanby's despatch of the 11th May 1839, No. 46, wherein it was stated as a general principle, that a fixed period of imprisonment should, in the first instance, be allotted for the punishment of the crime of which any prisoner has been convicted, before he is admitted to the indulgences of a milder system.

Nos.
27. 24 Feb. 1840.
28. 25 — —
33. 1 March —

The accounts which I receive from Norfolk Island, unofficial as well as official, lead me to consider that Captain Maconochie's system is working well, as far as the behaviour of the convicts is concerned; and that it promises to produce good effects also as a reformatory system. It is, however, a system of extreme indulgence; and whether as such it will answer all the ends that are sought for by the punishment of transportation, is the first and most important question that I consider to be at issue.

On this subject, I would beg to repeat a passage contained in my own despatch to your Lordship, of the 25th February 1840, No. 28:

"Captain Maconochie avows his opinion, that the first object of all convict discipline should be the reformation of the criminal. This opinion, however agreeable it may be to the dictates of humanity, is not, I believe, the received one of legislators, who rather require as the first object of convict discipline, that it should be a terror to evil-doers.

"The necessity of fixing authoritatively the end or object of convict discipline, and of never suffering it to depart from our view, in devising means to work out that end, is so obvious, that it cannot be necessary for me to enlarge on it."

I have, &c.

(signed) *George Gipps.*

Enclosures in No. 23.

(No. 1.)

Sir, Norfolk Island, 26 December 1840.

Encl. in No. 23. AWARE, as your Excellency is, of my decided opinion as to the ineligibility of this island for the future reception of first-convicted prisoners from England, you will easily imagine that I am disappointed at the Right honourable the Secretary of State's decision on this head, communicated to me in your Excellency's letter of the 30th ultimo; nevertheless, I shall most earnestly and cheerfully endeavour to make the best of it, in some hopes that the arrangement may even yet be only a temporary one, and in perfect confidence that there is quite

quite enough within my reach here to enable me to establish the principles of the system of management which I am charged to introduce, though not to derive from them all the advantages which might be identified with them.

It is my duty, however, in consequence, to bring various subjects under your Excellency's notice which press for an early decision in reference to us; they are not very numerous, but some are very important.

1. I observe that no more second-convicted men are to be sent here; but are those now with me to be removed? With the exceptions to be afterwards specified, I have no wish that they should. I beg again to repeat my satisfaction in the main with these old hands; and if I may treat them as I do the new, I have not the least doubt of being able eventually prodigiously to improve and reform them (and being avowedly considered the worst, it does appear to me very sad to exclude them from a curative process); but it is really impossible to maintain two systems in so small a locality as this; and precisely as my powers are extended in regard to the new hands, and I am consequently enabled to deviate more widely from old practice towards them, so do the difficulties and irritation arising from this deviation increase; and if anything could defeat my experiment, it would be the unnecessary difficulties that are so opposed to the carrying it out. I earnestly entreat your Excellency's special consideration to this point.

2. Of the old hands, however, I wish most earnestly to get rid of the aged and invalids, or else that I may be authorized without delay to erect an invalid establishment of some magnitude in a sequestered spot of the island, and adequately enclose it. The aged and infirm among the old hands mixing, in existing circumstances, with the younger and more vigorous are at present the torments of my life; and in any circumstances, seclusion for such individuals, where their indulgences will not be seen or envied, and their idleness will not be generally injurious by being contagious, will be most desirable. I thus wish also to establish a retired invalid and hospital establishment for my new hands, including in particular a lunatic branch tolerably complete, according to improved modern practice. Lunatics are extremely troublesome and vexatious to deal with here, and we are at present without any apparatus for them. But I should not wish to mix up the new with the old hands in this department, at least for a time. Some of the present invalids are mere brutes in human shape, and so hardened in iniquity, that no possible improvement can, I think, speedily qualify them to be associated with those who have not gone through the same painful training.

3. I extraordinarily regret the Secretary of State's resolution to send my men on discharge to Van Diemen's Land; in existing circumstances, such a destination appears most unfortunate both to them and to me, and I earnestly trust that it may yet be reconsidered, and that the men may be allowed to go from me quite free, and disappear as a class altogether in contact with free men. But in the meanwhile may not this distinction operate in favour of the cattle and judges' men now with me? Their connexions in New South Wales could not prove injurious in Van Diemen's Land, and if they were thus transferred to me, they would gradually be so disposed of without injury to any. I would press this especially in regard to the cattle men. I have already ventured to express to your Excellency my strong sense of the disproportion between their crimes and existing sentences, and the opportunity seems a fair one of thus in some degree relieving them.

4. There is another class of men for whom I would also particularly intercede; these are first convictions of all sorts from the adjoining colonies and otherwise. I annex a list of them, with a statement of the peculiar circumstances of each, and I earnestly recommend their permanent transfer to my establishment and system.

5. Recent events have demonstrated to me, even more strongly than before, though I have already represented it to your Excellency, the urgent necessity there is for our boats' crews, police, and overseers being a superior class of men to the common prisoners; and formerly I asked that they might be free men. The expense of this may, however, be a difficulty in the way, and another idea has recently occurred to me. Might I not be authorized to retain a limited number of volunteers, both from young men going to Sydney under the Act, and from my own new hands destined for Van Diemen's Land, to fill those important situations, and to serve in them for their future ticket or freedom, say two years for three, or in a similar ratio of marks to be earned? This arrangement would give me far better petty officers than the chance of free men sent from Sydney, and it might be carried into effect at little or no expense at all. I beg very strongly to recommend it.

6. No minimum of time appears yet to be fixed for men to be with me; and I am thus still at a loss what expectations to hold out to my new hands. There are some who, on my own provisional regulation, will probably be eligible for discharge in five or six months; that is to say, if they behave as well, and hoard their marks as carefully, with the power of purchasing present indulgences with them as they have without. But would your Excellency then sanction their removal to Van Diemen's Land or not? They are all very anxious on this head.

7. My own impression is, that a minimum of time (say two years), would be expedient; but in this case I think that the Government should undertake to pay the money value of any marks (on men's departure) which they may have earned and kept till the expiration of that time, beyond the fixed amount accommodated to their offences. By this means the inducement to exertion and economy will continue strong enough through the whole period, which would not be the case if a minimum time were otherwise fixed: and the expense of the arrangement would be nothing, or next to nothing; because, if the men have the power of exchanging their marks, and cannot get freedom for them, they will, without this, take

 indulgences

NEW SOUTH WALES.

indulgences which will cost the Government the same money, though the superior benefit of expending it thus, rather than in indulgences, is obvious.

8. Very many of my men wish to have their wives and families sent after them; and I believe that it is the intention of Her Majesty's Government to promote this as far as possible (it is most important, too, to the cause both of morality and reform in this whole hemisphere that it should be so); yet I think that a moral advantage would be derived also from making the men, in part, pay for this; and then let it be no favour, but a right. Thus, if every man, on conviction, who agreed to the addition of 2,000 or 3,000 marks (8*l.* 6*s.* 8*d.* to 13*l.* 10*s.*), to his sentence, were to be entitled to have his wife and children sent after him without delay, an enormous amount of steadiness and morality would be so gained, and a not less amount of individual suffering would be so spared, at a very small cost; for, on an average, the passage of the families would not cost above 20*l.* each; and they might be forwarded either in emigration or female prison ships, as might be thought expedient.

Wm. Paterson, (per "Mangles"). Mary Paterson, (per "Mary Anne").

9. One of my men, named in the margin, was transported at the same time with his wife, and for the same offence (receiving). She is now in New South Wales, and he is here. I strongly recommend that she be sent to him, on a charge, say of 1,000 marks, and that they be allowed to work out their joint sentence together.

10. In experimenting on my English prisoners in the matter of their rations, I have not considered myself authorized to confiscate their usual allowances; but, having consulted with the officer in charge of the commissariat, as to the money value of the rations, I offered the men eight marks a day in exchange for them, with the power of purchasing from the stores at their discretion, for their marks. And with all the disadvantage of novelty, Christmas time, and long previous hardship (or what they felt to be such), so great is the men's care of their marks, and value for them, that the excess of expenditure over the allowed commutation has not exceeded 200 marks for all hands in any one week; and even this is not all loss, because the prices charged for island produce are high, and much above the cost of production. But even thus the experiment is very inadequately tried; for the ill-conducted and lazy equally get the credit of eight marks daily for their rations with the most orderly and industrious. With future ships, or in future times, however, may I come at once to the proposed ration of 1 lb. of flour or 2 lbs. of maize meal daily to each man, and nothing beyond, unless earned first and purchased afterwards by a sacrifice of marks? Of course I must, in a like proportion, raise the wages of labour; but then that labour must be really given, and indolence and skulking will only get bread and water. There are dozens of refractory subjects whom this necessity would bring to their senses at once.

11. Yet when I speak of refractory subjects, I ought to correct myself, for I really have scarcely any. I have indolent and inefficient in abundance, and it is to them I above alluded: but I have scarcely any new hands thoroughly bad, and many, both old and new, are most excellent. Among other institutions at Longridge we have an evening adult school, which above 200 attend voluntarily, after all the heat and toil of the day, paying 12 marks a month each man for the privilege, which I double on the part of the government; and on the last day I divide the produce into salaries to masters, prizes for attention, proficiency, and so forth, and the effect is most excellent. On Sunday evenings I have also sacred music played and sung, at which the attendance is equally voluntary, but always numerous. For extra marks I can at all times (as at present, in harvest,) obtain extra exertion without a murmur, and a mere holiday, without marks, is no longer prized. In a word, the wages principle seems invincible, and it is only necessary now more and more extensively to apply it. And it calls out every form of social virtue, as well as industry, of which I annex one specimen, which I am sure will much interest and gratify your Excellency. It is the original of a suggestion which is now hammering into shape and maturing among the men themselves, with my full concurrence and approbation, but without my assistance. I want them much to walk by themselves, and not lean currently on public crutches.

Appendix (C).

12. Our demands for stationery to keep all our accounts, and for tools and materials to employ and improve all our mechanics, are necessarily large; but among other points now brought under your Excellency's notice, I hope that they may be approved. I most earnestly wish, also, that it were possible to supply us with the materials for clothing, rather than with ready-made clothes. The comfort, stimulus, and opportunity to learn useful trades that would be thus afforded, would be very great indeed; and if it were generalized into a system, it would be economical rather than expensive to Government.

13. There is a point, however, in regard to our supplies, to which, in conclusion, I would most earnestly beg to draw your Excellency's attention. It is to the very great expediency of our having a responsible storekeeper appointed to ourselves, rather than our continuing to get what we want through the medium of departments with which our employments and expenditure are not all necessarily connected, and whose accounts are consequently inconveniently swelled, and, in a degree, even falsified, by being thus made to include our expenses. I have felt the danger accruing from this very strongly, on some recent occasions, and it must increase with the increasing extent of our operations. Even a very inferior free person, with a salary not exceeding 70*l.* to 80*l.* a year (and such a one I already have here, a servant of my own, in whom I could confide), who should be charged with our accounts of receipt and expenditure of stores, and act exclusively under my own directions, would be a great acquisition to me in this way; but a much greater would be a species of foreman of works, himself a mechanic; and I have a most excellent young man now acting in the situation, but not responsible for stores, a prisoner (John Elliott, per Mangles), regarding whom I otherwise write

write to your Excellency. If he can obtain his discharge, and is otherwise approved of, I should desire no better; but my first object is to bring under your Excellency's consideration the question that some such appointment is desirable. The individual to be employed is a minor concern.

I have, &c.
(signed) *A. Maconochie.*

His Excellency Sir George Gipps,
&c. &c. &c.

Appendix (A.)

LIST of First-convicted Prisoners from the Colonies recommended to be transferred to the English Establishment.

(signed) *A. M.*

LIST of Twenty-six Prisoners under Colonial Sentence of Transportation to *Norfolk Island*, being their first Conviction.—26 December 1840.

No.	NAME.	CONDITION.	WHERE TRIED.	DATE OF TRIAL.	SENTENCE.	ARRIVAL.
1	Geeson, John	a soldier	Crim. Ct. Sydney	6 Sept. 1828	life	27 Nov. 1828.
2	Heald, John	came free	Sup.Ct. Sydney	16 Feb. 1833	14 years; chains	27 Mar. 1833.
3	Beams, James	native of Van Diemen's Land.	ditto - Launceston	21 Aug. 1834	life	24 April 1835.
4	Steele, George	came free	ditto - Hobart Town	6 Dec. 1834	life	24 April 1835.
5	Fulham, Edward	a soldier	ditto - Sydney	2 Feb. 1835	7 years; chains	24 April 1835.
6	Lennon, Andrew	ditto	ditto - Hobart Town	15 Dec. 1834	7 years	24 April 1835.
7	Mahon, William	ditto	ditto - Sydney	3 Feb. 1835	7 years; chains	24 April 1835.
8	Shaw, William	ditto	ditto - Sydney	2 Aug. 1835	life; chains	2 Oct. 1835.
9	Shann, James	ditto	ditto - Sydney	—	—	—
10	Marsden, William	ditto	ditto - Sydney	—	—	—
11	Powell, Samuel	ditto	ditto - Sydney	—	—	—
12	Donegan, James	ditto	- - Court - martial, Hobart Town.	4 Nov. 1835	7 years	2 Nov. 1836.
13	Drummond, James	came free	Sup.Ct.HobartTown	19 Jan. 1837	life	23 Sept. 1837.
14	Ryan, James	a soldier	ditto - Sydney	13 May 1837	life	—
15	Eagle, William	came free	ditto - Hobart Town	5 Sept. 1837	life	24 Dec. 1837.
16	Duffy, Michael	a soldier	ditto - Sydney	6 Aug. 1838	life	5 Nov. 1838.
17	Mills, George	ditto	diito - Sydney	11 Aug. 1838	life; chains	—
18	Pike, Samuel	ditto	ditto - Sydney	—	ditto	—
19	Davis, William	came free	ditto - Hobart Town	11 June 1838	life	—
20	Mellington (*alias* Derbyshire) John.	native of New South Wales.	ditto - Launceston	7 April 1838	life	19 Jan. 1839.
21	Roles (*alias* Rose) John.	came free	ditto - Launceston	6 Oct. 1838	life	—
22	Tewhy, John	a soldier	ditto - Launceston	8 Nov. 1838	life	3 April 1839.
23	Wright, James	came free	ditto - Hobart Town	7 Aug. 1835	life to 15 years	2 Dec. 1835.
24	Simpson, John	ditto	ditto - Launceston	17 Mar. 1835	ditto	—
25	Owen, John	ditto	ditto - Hobart Town	4 July 1835	ditto	—
26	Taylor, Robert	ditto	ditto - Sydney	10 Feb. 1837	ditto	23 Sept. 1837.

Appendix (B).

LIST and ADDRESSES of the Wives and Families of English Prisoners now here, who wish to have them sent out to them, and agree to pay 3,000 Marks towards the Expense of Passage.

Thirty-nine in Number.

NEW SOUTH WALES.

Appendix (C.)

LETTER, or rather PROPOSAL, sent me for my Consent and Concurrence by some of the English Prisoners.

IN furtherance of Captain Maconochie's social system, it is proposed, with his kind sanction, to establish a "Benevolent Society," having for its object the relief (by presents or donations in marks) of those individuals among the new prisoners who, by any visitation of the Almighty, such as long-protracted illness or severe accident, may be temporarily, or by general infirmity may be wholly, incapacitated from making those exertions necessary to acquire their freedom, and who might be regarded by their fellows in misfortune as deserving of such pity and succour as their own unfortunate position might enable them to render. The following proposition will convey an idea of the plan on which the society shall be conducted.

It is proposed—

1. That 12 individuals, whose names shall be submitted to Captain Maconochie's inspection and approval, do forthwith associate themselves for the purpose of carrying out the views conveyed in the above sketch.

2. That they shall then proceed to determine, by the ordinary mode of election, which of such candidates as may be proposed shall be chosen as members of the society. In all cases five adverse votes to ensure rejection.

3. That every member shall contribute annually 50 marks to the Benevolent Fund, the subscription to reckon from the 20th of the present month.

4. That in addition to the 12 original members 12 others shall be elected (four by each barrack), to form together a committee of management, by whom all the affairs of the society shall be transacted.

5. That any member who may be convicted of an offence displaying moral turpitude shall be expelled, with forfeiture of marks; nor shall he be re-eligible until after three months probation, and then he must pay over again his subscription for the current year.

6. That in the event of the decease of any member of the society, the society at large may be permitted to render any tribute of respect they may feel inclined to do, such as by attendance at the funeral, or the purchase of some slight mark of mourning. Should this suggestion be favourably received, it is proposed also to build a four-wheeled bier, so as to afford the opportunity of conducting the obsequies of the dead with as much propriety as present circumstances will permit.

It is to be hoped that a society such as the one here sketched will prove one of many means of calling forth the better feelings of our nature, and showing, notwithstanding our present degraded position, that they are only latent, not extinct.

(No. 2.)

Sir, Colonial Secretary's Office, Sydney, 27 January 1841.

I AM directed by the Governor to acknowledge the receipt of your letter of the 26th ult., and in reply to convey to you his decision on the several matters which you submit for his consideration, in relation to the prisoners on the settlement under your superintendence; viz.

1. With respect to the men on the old establishment of Norfolk Island, his Excellency instructs me to say that it is not in his power at present to give any further instructions than those which have already been given to you, and that an Act of the Legislative Council of New South Wales will be required before transportation to Norfolk Island from the colony can be abolished, or before any of these men can be removed, except under the Colonial Act of the 2d Victoria, No. 1.

2. The deputy commissary-general reports to the Governor that the aged and infirm, whom you are very desirous of getting rid of, can be maintained at less expense at Norfolk Island than elsewhere.

The formation of a separate invalid establishment, which you propose should be erected at Norfolk Island, is worthy of consideration; but his Excellency can give no directions in respect to it until he receives the decision of Her Majesty's Government on the important questions relating to Norfolk Island which were submitted by him to the Secretary of State, in despatches sent in March last by the ships Lady Macnaghten and Kinnear.

Confirmed lunatics may, however, in the meantime be sent (with the proper medical certificates as prescribed in the Government notice of 18th July 1839) to the asylum in New South Wales.

3. A communication will be made to the Lieutenant-governor of Van Diemen's Land, inquiring whether he has any objection to the colonially convicted cattle-stealers mentioned in the third paragraph of your letter being removed from Norfolk Island to Van Diemen's Land, to serve the residue of their sentences. The result of this inquiry will be hereafter made known to you.

4. The report of the principal superintendent of convicts has been called for on the cases of the men serving at Norfolk Island on first convictions from the adjoining colonies and otherwise, according to the list received from you; and an answer to your recommendation, that they be transferred to your establishment and system, will be conveyed to you as soon as the required report shall have been received.

5. His

5. His Excellency directs me to say, that with respect to your own men, or those who came to Norfolk Island from England, you can make any arrangement for the service of the boats that you may think proper; taking care, however, that you make no promises which you have it not in your power to perform, and bearing in mind the enactment of the 2 & 3 Will. 4, c. 62, expressly passed to restrain the power of governors in granting indulgences to convicts, an Act which his Excellency has repeatedly warned you, neither himself nor you dare violate.

6. In reply to the sixth paragraph of your letter, in which you observe that no minimum has yet been fixed for the men from England to be with you, his Excellency desires me to remind you that he has no more power to fix a minimum than you have; that the law in fact, has fixed a minimum, which is four years for a seven years man, six years for a 14 years man, and eight years for a man transported for life. These enactments have often been complained of, but they are still unrepealed. There is, perhaps, a power (although on this head there is some doubt) of transferring men from Norfolk Island to Van Diemen's Land before the expiration of their respective periods; but even then they can only be sent there in the condition of ordinary convicts, and will be there treated as such.

7. His Excellency cannot hold out any certain expectation that the Lords of the Treasury will consent to the payment of the money value of marks to convicts at the rate suggested in the seventh paragraph of your communication. If, however, this point be not decided by the answers which may now shortly be looked for to his Excellency's despatches already alluded to as having gone home by the Lady Macnaghten and the Kinnear, the instructions of the Secretary of State on the subject will be asked for.

8. With respect to the wives and families of convicts being sent to Norfolk Island, as proposed in your eighth paragraph, his Excellency remarks, that whether women are to be sent or not to the settlement is a question which must be settled by Her Majesty's Government. The objections to it, and especially those which have been urged on the ground of the temptations which it would hold out to soldiers, are so great, that his Excellency cannot undertake to sanction the measure without the knowledge of the Secretary of State. If only the wives and children of convicts on the island were sent there, and no women who are themselves convicts, there would be less danger perhaps in the measure; but according to the existing regulations the wives and families of convicts are only allowed to join them when they obtain tickets of leave; and before the men at Norfolk Island are eligible for tickets of leave, they are, according to the latest instructions from the Secretary of State, to be sent to Van Diemen's Land.

Whether, or not, Her Majesty's Government contemplate the transportation of female offenders from England to Norfolk Island his Excellency is as yet altogether uninformed.

9. The Governor regrets that it is out of his power to comply with your recommendation for the female prisoner, named in the margin, to be allowed to join her husband, Wm. Paterson, per "Mangles," at Norfolk Island, as it would be contrary to the regulations of this government.

Mary Paterson (per "Mary Anne")

10. If the Governor understands the experiment alluded to in your tenth paragraph, it is a proposal to give to each convict eight marks a day, or, in other words, eight pence in lieu of rations, and to allow the men to provide themselves with rations, using their marks as money. This is so great an innovation in convict discipline that, although you may have been justified in trying it as an experiment, in the exercise of the wide discretionary powers which have been given to you, his Excellency cannot undertake, without the express sanction of the Secretary of State, to authorize it as a general measure. It will also be necessary to ascertain whether the number of marks or pence given be a fair commutation for the value of the ration, of which his Excellency is not at present informed.

11. His Excellency is disposed to think that the principle which you propose is a good one, namely, that of giving a prisoner a very small ration, instead of the full ration now issued, and placing in his power the means of acquiring more by his own good conduct and exertions. But again, he cannot sanction the adoption of it (except by way of experiment) without the knowledge of the Secretary of State; and in this case, the matter must be so arranged as not to interfere with the regulations of the Commissariat department, which he fears would be difficult.

12. His Excellency has approved your requisitions for stationery, although the demand is unusually large.

He cannot, however, supply anything in the shape of needlework to the men at Norfolk Island, as he is unable, with all his exertions, to find sufficient for the employment of the women in the factory at Parramatta.

13. With respect to the appointment which you recommend of a storekeeper or foreman of works, I am directed to inform you that as your establishment increases, his Excellency thinks some appointment of this sort may be necessary; but he cannot sanction the creation of any new office, until he receives instructions from the Secretary of State on the points already submitted to him.

I am directed to remark also, that in the event of such an appointment being hereafter sanctioned, he would consider it proper to employ a freeman in the situation.

I have, &c.

(signed) *E. Deas Thomson.*

Captain Maconochie,
Superintendent of Norfolk Island.

NEW SOUTH WALES.

— No. 24. —

(No. 43.)

No. 24. Sir Geo. Gipps to Lord John Russell, 6 Feb. 1841.

EXTRACT of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*, dated Government House, Sydney, 6 Feb. 1841.

I BEG to report to your Lordship, that by a communication received on the 11th January last from Captain Maconochie, I learned that he could now receive 900 additional prisoners at Norfolk Island; but that after mature consideration I have determined on not forwarding to him any of the convicts which have been detained here, until he should be ready to receive them; and I beg to state to your Lordship that the reasons which have weighed with me in coming to this decision are:

1. That I cannot consider it desirable to increase, more than may be absolutely necessary, the number of men on Norfolk Island, until it be decided whether or not the hopes are to be realized, which the people already there have been allowed to indulge in, of almost immediate freedom; on which subject I beg leave to refer to my despatch of this day's date, No. 42.

2. That I think it absolutely necessary to keep at Norfolk Island sufficient room for the men who may be now shortly expected to arrive there direct from England, and whom, as they will have left England after the 1st of August 1840, it will not be lawful under any circumstances to detain in New South Wales.

Since my despatch of the 28th July 1840, No. 94, in which I reported that the prisoners by the ship Maitland had not been sent to Norfolk Island, three more convict ships, namely, the King William, the Pekoe, and the Eden have arrived, bringing collectively 636 prisoners, the greater portion of whom are now employed upon works of a military nature, namely, the new barracks at Sydney and the fortifications of the harbour; in regard to which works, I would respectively beg leave to refer to my despatches of the 17th August and 21st October, Nos. 112 and 163.

— No. 25. —

(No. 321.)

No. 25. Lord John Russell to Sir Geo. Gipps, 1 August 1841.

COPY of a DESPATCH from Lord *John Russell* to Governor Sir *George Gipps*.

Sir, Downing-street, 1 August 1841.

I HAVE received your despatch, No. 42, of the 6th of February last, enclosing copies of a correspondence with Captain Maconochie on the subject of the system to be pursued under his superintendence at the penal settlement at Norfolk Island.

I have also received your despatch, No. 43, of the 6th of February 1841, stating the reasons which had led you to abstain at that time from sending any additional number of convicts to that settlement.

With reference to the questions raised by your despatch, No. 42, I have to make to you the following communication:

1. I agree with Captain Maconochie, that it is impossible to keep up two different systems in Norfolk Island at the same time. The removal of the old convicts from that island should properly have been directed before the new system was put in force.

It is clear, that the convicts ought not to have their merits unrewarded, and their expectations disappointed, although it may be difficult wholly to fulfil them. Perhaps the best mode will be to grant conditional pardons to those who have gained all their marks and kept them when indulgence was within their reach. I would leave it to you to recommend the periods at which such remissions of punishment should in each case be granted.

2. No women are to be sent to Norfolk Island. But the wives and families of convicts who may, in the opinion of the Governors of New South Wales or Van Diemen's Land, deserve such a favour, may be sent to Van Diemen's Land at the same time that the convicts are sent there to be set free.

3. The

3. The principle on which the present system is founded is, that after undergoing a certain period of severe punishment, convicts should be gradually fitted to perform the duties of society by a regular period of labour and reward; by encouraging industry and endeavouring to make honest wages an object of ambition, and moral character valued by those who have hitherto been reckless and depraved.

The system appears hitherto to promise well, and to deserve a continuance of it; but will not be completely tried until the men have been for some time at liberty.

4. With respect to the details, they will be far better arranged from time to time by yourself than they can be directed from hence. I will only remark that the discretion of spending money is one of the tests of reformation to which the convicts ought to be subjected before they are allowed to leave Norfolk Island.

5. No free settlers must be allowed in Norfolk Island.

6. In future no convict should be sent to that island who has by law more than four years unexpired before he can obtain a ticket of leave.

7. The best course for effecting that purpose will be, that convicts transported for 14 or 15 years should be sent to Norfolk Island after they shall have been two years in Van Diemen's Land, and not be sent thither direct from England.

I have, &c.

(signed) *John Russell.*

VAN DIEMEN'S LAND.

VAN DIEMEN'S LAND.

— No. 1. —

(No. 30.)

Sir John Franklin to Lord Glenelg, 15 Feb. 1839.

COPY of a DESPATCH from Lieutenant-Governor Sir *John Franklin* to Lord *Glenelg*.

Van Diemen's Land,
Government House, 15 February 1839.

My Lord,

I HAVE had an opportunity within the last few days of reading in the English newspapers a copy of the Report of the Select Committee of the House of Commons on Transportation, and, on the 15th instant, Lord Howick's minute and some other printed papers on the subject were forwarded to me by the courtesy of the agent for the Political Association.

I have perused the report in question with deep interest, and with all the deference which is due to every deliberate expression of opinion, emanating from such constitutional authority. Nevertheless, when I perceive how grave those misconceptions are, which, owing no doubt to imperfect evidence, pervade so many portions of it, to the possible injury not less of Great Britain than of Van Diemen's Land, I feel it to be an imperative duty, notwithstanding that I have not received any official communication from your Lordship on the subject, to follow the precedent which was established by my predecessor under very similar circumstances in 1833, and to put Her Majesty's Government in possession of more full and correct information; a course which I feel that I am the more bound to pursue, in consequence of the reliance which appears to have been placed by the Committee on the statements made by Captain Maconochie, who, in the character of my private secretary, is represented to have made several statements which I cannot support, and, amongst others, one which commences as follows:

"The practice of assigning convicts to masters is cruel and uncertain, ineffectual either for reform or example, and can only be maintained in some degree of vigour by extreme severity," &c.

Your Lordship is aware of the circumstances under which it was incumbent upon me, on the 21st of September last, to sever the connexion which had previously existed between Captain Maconochie and myself, and will doubtless remember that the immediate cause of that proceeding was an untoward incident connected with one of his communications upon this very subject. It will, therefore, not be a matter of surprise that I should hasten to disavow in the most unqualified terms any participation in the opinion, or statement, in question, which, indeed, is in many respects quite at variance with the results of my own observation.

In the same passage Captain Maconochie proceeds to allege that "the severe coercive discipline which" (alluding to assignment) "is its principal element, is carried so far as to be at issue with every natural and, in many cases, even every laudable impulse of the human mind."

My attention having been thus forcibly drawn to these assertions, I have felt it to be due, both to Captain Maconochie and to the character of my government, to give him an opportunity of citing even a few cases in support of this last very specific statement, and I shall forward his reply. I myself am not aware of any instances of the kind, yet every week the punishments, in connexion with assignment, inflicted throughout the whole territory, are brought before me for revision by the chief police magistrate; and I may add, that the general conclusion which, with respect to the condition of convicts in assignment, has been drawn by the Committee themselves from evidence (and your Lordship is aware that the members have been far from taking a favourable view of transportation), is itself an answer to Captain Maconochie's statement, for they express themselves in the following terms:

"On

"On the whole, therefore, your Committee may assert, that in the families of well-conducted and respectable settlers, the condition of assigned servants is much the same as the condition of similar descriptions of servants in this country."

Your Lordship will thus perceive that either Captain Maconochie's evidence or the evidence of the other parties upon whom the Committee have relied, must necessarily be inaccurate, for if they both be correct then the following proposition must be true; namely,—

"That the severe coercive discipline, which is the principal element of domestic service in England, is carried so far as to be at issue with every natural, and, in many cases, even every laudable impulse of the human mind."

Another statement which the Committee have quoted, to which they appear to have attached a considerable degree of importance, is, that "it is one of the most apparent and necessary results of the system of assignment, to render the condition of convicts so placed extremely unequal, depending as it must on a variety of circumstances, over which the Government cannot possibly exercise any control."

This observation is referred to the high authority of Sir Richard Bourke, and I am far from being disposed to dispute its accuracy. Indeed, my attention at a very early period of my government was directed to the subject, and I then found the inequality to exist, not so much between individuals as between classes of individuals. The condition of convicts assigned to be domestic servants appeared, in respect to indulgence, to be superior to that of convicts assigned to be actual labourers; and, in respect to determent from crime and hope of reformation, to be inferior to it; and your Lordship has been pleased to extend to both colonies the regulation for discontinuing the assignment of domestic servants, which I submitted for your approval after I had observed this defect in the system.

Your Lordship will infer from this circumstance, that whilst I concur with Sir Richard Bourke as to the fact that there has been a diversity in the condition of convicts in these colonies, I differ with him in believing it to be (so far as it was or is peculiar to assignment alone) a necessary defect in the system. On the contrary, I believe that it will be greatly removed by the very simple regulation to which I have already adverted. It is necessary that I should add that, speaking generally, mechanics never have been assigned except temporarily in Van Diemen's Land.

On the other hand, in so far as inequality of punishment is necessarily an element in assignment, I believe it to be so likewise in the same, or in very nearly the same degree, in every description of punishment, to which the numerous offenders of Great Britain could be subjected. It evidently never will be practicable in any form of penal discipline, whether administered at home or abroad, in penitentiaries or public works, to institute modifications of punishment suited to the particular constitution, character, or strength of body, or animal spirits, of each convict, as that he shall be made to bear a proportionate burthen with every other; and even were it possible by any artificial arrangement to render punishment as complete and varying as human character itself is, weeks and months would elapse before the observations essential to a just discrimination could possibly be made. Let the mode of punishment be what it will, it never can be equal in its operation upon each one subjected to it, so long as there remains a diversity almost infinite in human nature itself; and education, habits, employments, associations, and modes of action, impress upon the original capacities of men almost innumerable tendencies, not only different from, but even opposed to, each other. The capacity, mental and corporeal, to endure pain, privation, and shame, is perhaps not the same in any two individuals, any more than the disposition to inflict them is the same.

I will even venture to submit to your Lordship, that the inequality of condition which exists in assignment is less than that which exists in other forms of punishment. It is well known that, in England, masters of establishments gradually succeed in gathering around them men who are said to suit them; in which description reference is made, not merely to the requisite skill which they may respectively possess in their trades, but to a certain correspondence in temper and disposition, which enable the master and his servants to understand each others

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views, so as to co-operate. This, I have every reason to believe, appears also, though to a less extent, even in the system of assignment, and it is evident that in the same degree as such is the case, must there be an approach to equality of condition amongst those convicts who are the subjects of assignment.

There occurs to me one other important circumstance connected with the assumption that the condition of the convicts is unequal, and may and does range between "the extremes of comfort and misery," which is the following:

I am not aware of complaints leading properly to such an inference having emanated from the convicts themselves. They are far from being reluctant to urge upon the attention of the authorities anything which they consider to be injurious or oppressive in the treatment which they may receive; and yet, various as are the complaints and representations made by them, it very seldom happens that men contrast with their own condition that of others in a different service of the same description. Those assigned in the country have often shown an anxiety to be removed to the town, and the condition of the domestic servant has, I do not doubt, been frequently contrasted with that of the ploughman or bullock-driver; but between bullock-drivers or ploughmen, or shepherds in different services, no such comparison has ever been made, or, at all events, insisted upon and repeated, as to come under my attention in such a form as would support the opinion that there is any inequality in assignment which is not common to it and every other punishment. The idea, therefore, that assignment is necessarily unequal seems to have been inferred, even by the witnesses, rather from the admitted diversity of character existing amongst mankind in general than from actual observation of the facts of the particular system now under consideration.

With respect to the general conduct of assigned servants, the Committee appear to have formed an unfavourable conclusion, founded chiefly upon a passage which is to be found in a despatch addressed by my predecessor, Sir George Arthur, to your Lordship's department in 1832. That quotation describes in strong, and, I doubt not, in very just terms, the difficulties to which the master was then subjected in dealing with his assigned servants, particularly immediately after their arrival, and in the endeavour to convey them safely to the place of their respective destinations. But I would only observe, that in 1832 the organisation of the police department was still in its infancy, and that a particular class of escort constables have since been appointed, who very efficiently perform the duty of taking prisoners to their destinations, and of preventing those irregularities which had in 1832 so forcibly attracted the attention of Sir George Arthur.

To maintain that the master of an establishment, consisting of assigned servants, is not exposed to much vexation, and required to be constantly upon the watch to protect his property from peculation and prevent idleness, would be to deny that the majority of the convicts are, when transported, bad men, and that by long and inveterate habit, or else to impute to mere change of position the power of immediately renewing the natures of such of them as are made the subjects of assignment, either of which would be incredible, and indeed absurd. The transfer to the field of a settler in the interior of Van Diemen's Land of a London pickpocket or swindler, accustomed perhaps from infancy to habits of daily thieving and indolence, may embarrass and paralyse him for a time, but cannot of itself alter his disposition, or for any considerable period improve even his outward conduct. Yet it is a fact which is beyond all dispute, that the master, in the majority of cases, finds it to be his interest to retain that man in his service, that is, he succeeds in rendering him a servant permanently useful to him; so much so, that after he has acquired his ticket-of-leave, he or his neighbour will offer him higher wages than would be given to a newly-arrived immigrant of unimpeachable character. It is comparatively an easy matter to confine a man within the limits of a penitentiary; to remove him out of the way of the ordinary activities of life; to repress his energies; to diminish, if I may be allowed such an expression, the quantity of his existence; to cut him off from the operation of every affinity that was accustomed to act upon his body or mind; and to call the state of almost suspended animation which follows—reform. But to place him in assignment, to be employed in the open air as free from actual direct restraint as the same description of free labourer would be in England; to keep him, to a certain extent, within the play of the common affinities which operate between man and man, and

between

between man and the creation external to him, and yet so to order matters that he shall, for four or six or eight years of his life be, in the capacity of a ploughman or shepherd, or ordinary farm servant, as useful a man as a free uncontaminated immigrant would be in the same situation, is a triumph over the combined powers of indolence and vice which, I conceive, never has been achieved but by the system of assignment, as it has operated in this country.

The Committee have also, in considering the assignment system, referred to the opinion of Sir George Arthur, that the condition of the convict in no respect differs from that of a slave; and to the declaration of Sir Richard Bourke, that the law which, in New South Wales, enables a magistrate, generally himself a master of convicts, to inflict 50 lashes on a convict for drunkenness, disobedience of orders, neglect of work, absconding, abusive language to his master or overseer, or any other disorderly conduct, may be designated a slave code.

It is evident, from the language employed by Sir George Arthur and Sir Richard Bourke, that both of these officers considered that assigned convicts are in the condition of slaves, chiefly because their labour is not their own, but the property of others, and because they are subject to summary jurisdiction. But the labour of the penitentiary convict is equally not his own, and he, too, is necessarily subject to summary jurisdiction. In fact, every man who has been sentenced to be transported, or to be imprisoned and subjected to labour, is, in the sense in which the term is employed in both the instances in which it has been quoted, a slave, whether he may have been actually transported and assigned, or sent to the hulks or penitentiary. The discontinuance of assignment, therefore, will not, it is evident, abolish the species of slavery described by Sir George Arthur and by Sir Richard Bourke.

The condition of the convict in assignment may indeed be said to differ from that of the free servant in England, only inasmuch as he does not choose his own master, is not entitled to receive wages, and is subject to summary jurisdiction. His master is not permitted to sell his services: it has been stipulated by the government that he shall receive a certain amount of bedding and clothing annually: a minimum rate of ration has been secured for him; and when oppressed, or in anyway ill-treated, he is enabled to appeal for protection to the nearest stipendiary magistrate, who is appointed, amongst other reasons, especially for the purpose of extending such protection. He is never designated as a slave: the application of such a term to him would be a ground upon which he might claim, and would certainly obtain protection. He, in general, regards the being returned to the service of government, and being employed in a gang, not an emancipation from slavery, but a further punishment and degradation.

I have said that the injured convict may apply to the nearest magistrate. But I observe that the Committee have remarked, that this magistrate may reside beyond his reach, at a distance of 100 miles; which renders it necessary for me to explain to your Lordship, that the settled districts of Van Diemen's Land lie chiefly in a large valley stretching across the island, the extreme length of which is, in all, not more than 140 miles; and that this valley is divided into 18 districts and sub-districts, each under the charge of a police or assistant police magistrate, who is a stipendiary officer. The average distance from a police-office, of the vast majority of settlers' establishments, cannot be above 12 miles; and I may add that it is, and I believe always has been, the anxious desire of this government so to act as to impress the convicts themselves with the conviction that they are justly dealt with: and this very material point has been kept most steadily in view in the administration of the police establishment, and with the happiest results; a fact which is always explained to the convicts by the Lieutenant-governor personally, on the day of their landing.

It is right, however, that I should observe, that for some time after my arrival, there did exist in the condition of the convict in assignment, one circumstance which allied it to that of slavery. It was usual for masters to transfer their convict servants to each other, reporting each transfer to the Assignment Board for approval. So soon as this abuse, which had insensibly crept into the system, unsupported by any admitted regulation, came under my attention, I directed it to be thenceforth discontinued; and that every settler, who no longer required the services of any convict, should return him to government for fresh assignment.

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The abuses respecting which the Committee have observed that they have existed, and perhaps even now exist, in various parts of the system, do not present themselves in this colony. The convict clerks have been almost entirely discontinued, and not one remains in any situation of trust or confidence. With respect to the press, I must, however explain that convict compositors and printers are yet assigned to the publishers of newspapers: but even this practice will cease when the regulation comes into force by which assignments are to be discontinued in the various towns.

Before I proceed to the next head under which the Committee have reported upon transportation, I would earnestly draw your Lordship's attention to the circumstance, that it appears to me that the manner in which domestic servants are treated by their masters, is the principal consideration which has conveyed to the Committee an unfavourable impression of assignment generally. Supposing such assignments to have ceased, in accordance with the instructions contained in your Lordship's despatch of the 6th July last (page 1), there would only remain to be considered, in reference to the present effects of assignment, the condition of servants assigned in the interior; and upon it the Committee do not appear, from the evidence before them, to have been able to form any distinct opinion: for it is evident, I submit with much deference, that the despatch written by Sir George Arthur in 1832, before he had completed his plans for the improvement of transportation, cannot properly be considered as evidence of the conduct of the convict in 1839, after these plans had been brought into more full and efficient operation.

With reference to the statement of Mr. Burton, referred to by the Committee, respecting the burglaries and robberies committed at Sydney, I would only add, that Hobart Town has for many years been almost as free from such offences as, I should think, any town in England. The stillness of the streets at night, and the perfect immunity from insult of any kind with which they may then be traversed, have often been remarked upon with expressions of surprise by strangers recently arrived in the colony.

Your Lordship will perceive that I have avoided reference to the conclusions arrived at by the Committee respecting the assigment of female convicts, and their behaviour therein. I perfectly concur with the Committee in everything they have alleged respecting them. The great desideratum in this colony at present is the immigration, not of free labourers, for they would emigrate to Port Phillip, but of respectable free females, whose interests would equally lead them to remain in this colony, where their presence would unquestionably be of inestimable advantage. I shall give this subject further consideration in a future despatch.

With respect to the observations made by the Committee, under the second head of their Report, upon the condition of those convicts who are retained in the service of the government, I have but few remarks to make, the Committee having distinguished between the state of the road-parties in Van Diemen's Land and New South Wales. I would only, therefore, observe that their discipline is at present good, and daily improving; a result which is chiefly to be attributed to the free superintendents, and the supervison of the visiting magistrates. The great defect in the road-gang system hitherto has been the absence of schoolmasters and ministers of religion; there has, therefore, not been sufficient attention devoted to instil religious and moral motives. This is a subject which has occupied much of the attention of the government; and I had the honour, in my despatch of the 10th August 1837, to submit a plan for the consolidation and concentration of the road-parties, which I conceived would render practicable, without any material increase of expense, the appointment to each party both of a free superintendent of a higher class than the majority of those who now hold that situation; and also of a properly qualified clergyman. Under existing circumstances, however, it will not be practicable for me to carry forward this, or indeed any other measures involving questions of expenditure. The uncertainty which prevails as to the decision which may be arrived at for re-modelling the whole penal system, is of course unfavourable to the present improvement of any part of it.

But whilst I accord with the Committee in the opinion that the description which has been given of the state and conduct of the road-parties in New South Wales is inapplicable to the condition of those in Van Diemen's Land, I cannot concur in the opinion which they have expressed in explanation of the cause of this difference.

ference. I believe that the spirit of freedom and the love of free institutions exists here quite as strongly as it does in New South Wales, and that the people of Van Diemen's Land are as much alive to their political interests, and would resist any undue encroachment as vigorously, as the inhabitants of the sister colony. The instance of submission which the Committee have adduced in illustration of the position, that the severity of the general system pursued in Van Diemen's Land is such "as probably would not be endured in so wealthy and flourishing a community as that of New South Wales," may easily be shown rather to lead to an opposite conclusion.

The Committee quote for their purpose the following extract from the 39th section of the (now repealed) Quarter Sessions Act:—

"Any person who shall in any manner shelter, or protect, or employ any absconded offender whatever, or shall provide any such offender with lodging, clothes, tobacco, money, wine, or any spirituous liquor (whether knowing or suspecting him to be an absconded offender or not), shall forfeit and pay a penalty of not less than 5*s.*, nor more than 20*l.*"

This regulation, however, was not, as has been supposed by the Committee, rendered necessary by the increasing severity of the penal laws in Van Diemen's Land, for it was originally passed by the Council on the 19th January 1825, about eight months after Sir George Arthur had assumed the government, and long before he could even have contemplated the measures to which he afterwards directed so much of his attention; moreover, it was passed not in Hobart Town, but in Sydney, by Sir Thomas Brisbane, the Governor-in-chief; for Van Diemen's Land was then a dependency of New South Wales. Neither was its operation limited to Van Diemen's Land; it was, and I believe still is, law in New South Wales. It appears, however, to have been regarded unfavourably in Van Diemen's Land; for the two colonies having in the interim become independent governments, it was repealed at Hobart Town in August 1830, and there was substituted for it an Act in which was left out the words which were probably felt to be the most objectionable, namely, "whether knowing or not knowing him or her to be illegally at large." But in 1835 experience appears to have shown that the section was not effectual without these words, for they were then restored in the form adverted to in the report, whilst the maximum fine fixed by the Act of 1830 was reduced from 100*l.* to 20*l.* (the minimum being 5*s.*), certainty of conviction rather than severity of punishment having evidently been the object aimed at by the government. I believe the original intention of the enactment to have been the suppression of bush-ranging; it was clearly, therefore, for the protection of the free population.

The leading causes of the difference in the relative efficiency of the penal systems, which the Committee have attempted to account for, I believe to have been mainly the insularly confined extent of Van Diemen's Land, and the principle of concentration adopted in the police department, by which every magisterial act is by the chief police magistrate brought under the immediate eye of the Lieutenant-governor, the effect of which has been a steady, uniform, and systematic administration of the penal laws. There have accordingly been but very few instances of peculiar severity. Care has been taken not to excite the insurgent spirit by unexpected degrees of punishment; but, on the contrary, to mitigate the stringency of the penal code. Your Lordship will find that this latter principle has been most extensively acted upon in the new Quarter Sessions Act, which I had the honour to forward to your Lordship on the 1st February (No. 17), and with reference to which I would only observe, that it was passed not for the purpose of softening the rigour of penal discipline, but rather with a view to efface from the statute-book an appearance of severity, which the weekly returns and the experience of the magistrates had shown never, or scarcely ever, to be required in practice.

The remaining classes of convicts whom the Committee describe are those suffering punishment for offences committed in these colonies. I shall only observe that, composed as the chain-gangs are of the most truculent and ruffian-like of the convicts, the discipline exercised over them is undoubtedly very severe; but I submit to your Lordship that it is never cruel in this colony. The men are during the night confined, and sleep in wooden buildings or turf huts, which are kept healthy and clean, and are sufficiently comfortable. The mode of incarceration in boxes or caravans, alluded to by the Committee as having been described by Sir

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Richard Bourke as in existence in New South Wales, was never, so far as I am aware, even thought of in Van Diemen's Land. The improved health and vigour of body which are observed to distinguish men who have been for some time in these parties, or at Port Arthur, afford the best answer to the supposition that convicts are treated with anything even approaching to cruelty or undue severity. Sir George Arthur's allusion, mentioned by the Committee, must, I think, have been to the state of the convicts at the long-since abandoned station at Macquarie Harbour, not to the well-regulated settlements at Port Arthur, which I myself frequently visit.

With respect to Captain Maconochie's statement, quoted by the Committee, that the punishments to which convicts are subjected are severe even to excessive cruelty, it would be painful to me to offer any observation upon it. I shall, therefore, merely forward, for your Lordship's perusal, a letter which I have caused to be addressed to him upon the subject, with any reply he may think fit to make to it.

With respect to the table presented by the Committee, showing the increase and decrease of grave offences, it is my duty to draw your Lordship's attention to the very gratifying results manifested by it (but which appear to have escaped the attention of the Committee), as respects the state of crime in Van Diemen's Land in 1835 compared with its state in 1829. If the present system of convict discipline really, as is asserted, produces not only no improvement, but actual deterioration of character, extending not merely to the convicts, but to every class of the free, it is difficult to account, upon any principle, for the diminution of the number of grave offences. The population of Van Diemen's Land in 1829, amounted, it appears, to 20,265 persons, and the number of convictions for crimes against the person, with violence, were 50; and in 1835, after the population had all but doubled, and some thousands of the convicts had become free, the number was still 51 only: that is, was reduced by about one half. During the same period the offences against property without violence are shown to have increased from 143 to 206, which is also a favourable result, though not equally so with the former. I may observe, that the explanation given by the Committee of the probable causes of the result in favour of Van Diemen's Land as compared with New South Wales, exhibited by these tables, does not appear to me to be satisfactory, or to be in accordance with the principles usually admitted in such discussions. It is also most important to observe, that it omits any allusion to what is obviously of tenfold practical importance, namely, the comparison, as suggested by the table, between Van Diemen's Land in 1835 and Van Diemen's Land in 1829.

The Committee have instituted a comparison between the proportion borne by the amount of crime in these colonies to the population, and the proportion of the same kind which obtains in Great Britain, and they have deduced from it a result which is, in their opinion, exceedingly unfavourable to these colonies and to transportation. I should at once have expressed my concurrence in the justness of this comparison, had Van Diemen's Land been throughout a free colony, and had no criminals ever been transported to it; I should then have admitted that the condition of the community, regarded in its moral aspect, had lamentably deteriorated; but when I consider that more than one half of the inhabitants of the colony either are, or have been, convicts, who, had they remained in Great Britain, would, for the most part, not merely have committed occasional offences, but have been professional and daily thieves, living habitually, not by industry, but by spoliation, I think the only just inference to be drawn from the actual state of things is very consolatory, nay more, is highly encouraging. The comparison which should be instituted is, I submit, not between the inhabitants of Great Britain and the inhabitants of this colony, but between the conduct since their arrival of those inhabitants who were not free immigrants, and the conduct of the same individuals before transportation, or what it, in all probability, would have been, had they remained in Great Britain, and not been transported.

With respect to the fifth head of inquiry, namely, the economical effects of transportation, I do not consider it to be necessary to make any prolonged observation. The remarks contained in the Report upon the point scarcely apply to this colony which has not the means of paying for the immigration of free labourers. Upon the subject of the sale of lands I shall have the honour of addressing your Lordship in a separate despatch.

With

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With respect to the next head, namely, the expense of the present system of transportation, I would only observe, that the charge for the various establishments must necessarily be kept up for several years, even should Her Majesty's Government decide no longer to send convicts to this colony.

I would earnestly draw your Lordship's attention to the important fact, that there are already 18,000 men and women in this colony whose maintenance and control must continue to be provided for, as at present, out of funds provided by Great Britain; and that, should the penitentiary or any other system be brought into operation, as recommended by the Committee, it will be necessary, for a considerable period, to defray the double expense of two different sets of establishments.

I find that the early departure of the Derwent on the 15th instant, renders it quite impossible for me to enter at present into a more extended consideration of the facts upon which the conclusions of the Committee respecting the past state of convict discipline, as well as their suggestions as to the future, are founded. My endeavour has been to show to your Lordship that the condition of the convicts in assignment on the roads, and in the penal settlements, is not such as the Committee have had reason to assume it to be; and that, speaking in general terms, the moral aspect of this community is far from being such as should necessarily induce Her Majesty's Government to modify materially, so far as the colony is concerned, the existing system of penal discipline. But so much remains to be stated upon this very important subject, in reference to the facts and reasonings which have been relied upon in its discussion, that I must reluctantly defer their consideration to a future opportunity.

I have, &c.

(signed) *John Franklin.*

Enclosure in No. 1.

Sir, Colonial Secretary's Office, 15 February 1839.

Encl. in No. 1.

The Lieutenant-governor has had before him the Report on Transportation of a Select Committee of the House of Commons, and his Excellency has observed in that document several statements quoted from your papers on prison discipline.

These statements have thus acquired an importance which renders it absolutely necessary that the data upon which they have been formed should be distinctly ascertained, in order that Her Majesty's Government may be enabled to form its own opinion of their value. I am therefore to beg you will have the goodness to state what are the particular cases or facts on which you are prepared to support the statement or quotation, commencing with the words, "the practice of assigning convicts," and ending with the words, "vice and crime;" or more specially to give,

1st. An enumeration of the enactments referred to in the following words: "Some of its most important enactments are systematically broken by the Government."

2d. An enumeration of the enactments referred to in the following expression: "Others, when enforced, are deemed acts of individual oppression."

3d. The cases referred to in the following expression: "And in many cases even every laudable impulse of the human mind."

4th. The instances referred to in the following expression: "And is in many instances even the direct occasion of vice and crime."

I am also to request you will state, with equal distinctness, upon what particular facts or cases the statement is based which begins with the words, "punishments are severe, even to *excessive cruelty*," and ends with, "quarrelling amongst themselves, and so forth."

I have, &c.

A. Maconochie, Esq. &c. &c. &c.

(signed) *John Montagu.*

VAN DIEMEN'S LAND.

— No. 2. —

No. 2.
Sir John Franklin to Lord Glenelg, 15 February 1839.

(No. 31.)

COPY of a DESPATCH from Lieutenant-Governor Sir *John Franklin* to Lord *Glenelg*.

Van Diemen's Land, Government House,
15 February 1839.

My Lord,

I HAVE the honour to acknowledge the receipt of the despatch upon penal discipline, of the 6th July last, No. 318, in which your Lordship is pleased to approve of the suggestions being carried into effect, which I submitted to you for the improvement of that system on the 7th October 1837.

For despatch, 6 July 1838, No. 318, *vide* p. 1.
For Sir J. Franklin's despatch, 7 October 1837, *vide* Papers ordered by the House of Commons to be printed, 26 April 1838, No. 309, p. 1.

It now only remains for me, in reference to these suggestions, to inform your Lordship, that after having again deliberated in council upon the subject, on the 9th and 14th ultimo, I directed the notice, of which the accompanying document is a copy, to be published in the Gazette.

No. 1.
No. 2.

Your Lordship is aware that at present immigration to this colony has almost entirely ceased, and that even those labourers and servants who do arrive, generally proceed to Port Phillip, making this island merely a place of transit. The consequence of which is, that the settlers are, at present, in a great degree dependent upon the assigned servants, which Government has it in its power to supply them with, for the performance of the work necessary to be done at their several establishments. It has therefore been expedient to postpone, for a short time, the commencement of the new regulations, but probably not much beyond the period requisite to enable the director of public works to make arrangements for the first probationary gang, which, though stationed in a naturally secluded district, will yet be as much as possible in the proximity of Hobart Town, in order that I may be enabled the more frequently to visit it, and give its proceedings my personal attention.

To one of the points which I proposed I have deferred giving effect until, with reference to your Lordship's despatch of the 30th June last, I can be favoured with further instructions respecting the assignment system generally. I allude to the badge to be worn by assigned convicts. It is a measure applicable to a large class of individuals, to the introduction of which I find that some difficulties of a practical nature would probably present themselves, with which it may not be expedient to contend, at all events, during the embarrassing uncertainty which now prevails, as to the course which is to be taken by Her Majesty's Government with respect to penal discipline.

In my despatch, No. 30, of this day's date, I had the honour to submit to your Lordship some observations upon the recent report of the Select Committee of the House of Commons on transportation, and I trust that I have thus succeeded in conveying to your Lordship some idea of the misconception which is apparent in that report. The questions which it involves are of such vital importance, that I shall resume its consideration at the very earliest opportunity. In the meanwhile, I trust I have already (should my despatch arrive in time) shown cause why Her Majesty's Government should not, in any amelioration of prison discipline which may be adopted in this colony, altogether abandon the principle of assignment; and I have now the honour to submit, in connexion with the regulations already approved by your Lordship, some further suggestions for modifying the institutions for penal discipline in this territory.

1. The primary gangs, to which convicts are sent on their arrival, to be conducted as much as possible upon the separate system, to consist of three hundred men each, to be employed at a distance from the settled districts, in opening communications to, and in clearing and draining, lands for sale.

2. The superintendent of each gang to be a half-pay officer, receiving a salary of 250*l.* per annum; and to have under him six overseers, at salaries of 70*l.* per annum each.

3. Every gang to be attended by a clergyman of some orthodox Protestant communion; ordained missionaries, from the Wesleyan and Independent bodies, would appear to be well qualified for the duty.

4. The

4. The gangs to be isolated, but yet to be so near each other as to be capable (like the road gangs) of being regularly visited by a visiting magistrate, who should be a half-pay officer, and receive the same rate of salary with the superintendent.

5. Every man's conduct to be daily recorded, and the balance of good and bad days to be struck every week, and posted in a ledger.

6. The visiting magistrate may subtract from, or add to, the number of the good or bad days, for any special act of impropriety or of good conduct. This must be done judicially, and be reported, in common with other sentences, to the chief police magistrate, in order that it may be submitted in that officer's weekly abstract, and be confirmed, or otherwise, by the Lieutenant-governor.

7. Whenever it appears from the record that there are to the credit of any man as many good weeks or days as may be equal to one-tenth of the whole term of his sentence (sentence for life being counted for this purpose as sentence for 20 years), the convict to be permitted to go into service, and choose his own master within some district appointed for him, subject nevertheless to the following restrictions:

8. The persons who alone shall be entitled to engage such convicts in their private services respectively, shall be the settlers who shall be deemed qualified by the quarter sessions, with reference to character, or the possession of land, and whose names shall be entered in a list to be prepared and promulgated in some such manner as the jury lists for the several districts are now by law prepared and promulgated.

9. Such convict may contract, besides his rations, for any amount of wages not exceeding, at present, 12*l.* per annum.

10. Such convicts to be subject to summary jurisdiction, but, except in extreme cases, not to be flagellated.

11. In the event of such convict being unable to get into, or retain employment, he is to return to his gang, or to a separate gang consisting of other candidates for private service, working within a convenient distance of the settled districts.

12. Should the convict either break his engagement, or otherwise misconduct himself, he is to be dealt with as he formerly would have been, under parallel circumstances, if an assigned servant [*vide* No. 10, above].

13. Such convict having conducted himself properly for two, three, or four years, from the period of his going into private service, to receive in succession the tickets of leave sanctioned by your Lordship.

14. The road department gangs of men, under judicial or magisterial sentences, to be retained under the recent amendments for their concentration, and also the settlement at Port Arthur, the latter as a place of punishment being unexceptionable.

15. Convicts not to be permitted to engage as domestic servants, or for purposes of luxury, until after they have obtained the lowest class ticket of leave.

The probationary gangs, it is material to observe, will be, as it were, the pioneers of the colony; they will facilitate its future extension, and although their labours may not bring any great or immediate return, they certainly will, after a time, produce a considerable contribution in aid of the revenue, whilst the men will be employed in a description of labour very closely allied to that by which, when in private service, they must afterwards earn their bread.

This latter point is one which, I submit to your Lordship, experience shows it to be of extreme importance never to overlook in any system of penal discipline which has in view the improvement in character and future usefulness of its subjects. If the employment of the convict in the first part of his servitude, at which period he is under the immediate care of the government, be not such as will contribute to the productiveness of his labour afterwards, the result will not be beneficial. The reason why ticket-of-leave men so readily obtain employment, to the exclusion even of free emigrants, is because they are now, as it were, journeymen to whom assignment was a period of apprenticeship in which they acquired a trade. It is, therefore, essential that, with respect to labour, there should be a continuity in the plan of the convict's treatment, extending not only throughout the whole period of his servitude, but calculated to exert a favourable influence on his future destiny.

This I consider to be one of the most evident defects in Captain Maconochie's proposals. They are highly artificial, and the necessity for continuity has been

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wholly overlooked, not merely in their economical, but also in their moral aspect. They may aid a man to work out his liberty, but they must desert him upon the very threshold of freedom.

I shall resume this subject by the earliest possible opportunity.

I have, &c.

(signed) *John Franklin.*

Enclosures in No. 2.

Encl. in No. 2.

(No. 1.)

EXTRACT from the MINUTES of an Executive Council, held at the Council Room, *Hobart Town*, on the 9th January 1839.

Present: His Excellency the Lieutenant-Governor, the Senior Officer of Her Majesty's Land Forces, the venerable the Archdeacon, the Colonial Secretary, John Gregory, Esq. the Chief Police Magistrate.

HIS Excellency and Council have before them the Lord Glenelg's despatches of the 30th June and 6th July last, relative to the question of prison discipline, to be referred for the report of the chief police magistrate and the principal superintendent, as to the best mode of carrying his Lordship's instructions into effect.

(A true extract.)

(signed) *Adam Turnbull.*

EXTRACT from the MINUTES of an Executive Council, held at the Council Room, *Hobart Town*, on the 14th January 1839.

Present: His Excellency the Lieutenant-Governor, the Senior Officer of Her Majesty's Land Forces, the venerable the Archdeacon, the Colonial Secretary, John Gregory, Esq. the Chief Police Magistrate.

WITH reference to the minute of last meeting, his Excellency and Council have before them the report of the chief police magistrate and principal superintendent, who submit their views as to the best manner of carrying into effect the instructions contained in Lord Glenelg's despatch of the 6th July 1838, directing certain changes in the present system of convict discipline.

The Council concur with the Board in their recommendations as to the manner in which his Lordship's first direction shall be carried into effect, namely, that all convicts on their arrival shall be worked in parties, totally separated from those gangs which are composed of convicts under colonial sentence to hard labour.

The members are of opinion, that this instruction may be carried into effect so soon as the necessary stations can be prepared for the reception of the convicts, and they advise his Excellency to instruct the director of public works immediately to commence the erection of barracks, on such situations as may be fixed upon for the purpose.

With respect to the second direction, namely, that the assignment of convicts to be employed for purposes of luxury, or as domestic servants, shall be discontinued, the Council observe that, as immigration has ceased, it will not be expedient to introduce it into operation otherwise than gradually. They would therefore recommend that the present system should be continued until the 1st of July next, but that it should be notified in the next Gazette, that on that day the assignment of convicts, to be employed as footmen, &c. shall cease throughout the colony; and that, from the same day, convicts shall no longer be assigned in the two principal towns, or within three miles of them, for any purpose not requiring manual labour out of doors; and that, on the 1st July 1840, assignments in both towns, and within three miles of them, shall be wholly discontinued.

The Council concur in opinion with the Board, as to the introduction of the use of the "badge," and as to the measures to be taken for modifying the present system of granting tickets of leave.

(A true extract.)

(signed) *Adam Turnbull.*

REPORT.

Police Office, Hobart, 14 January 1839.

WE have considered the subjects embraced in the Right Honourable the Secretary of State's despatch, of the 6th July 1838, and have the honour to submit our views as to the best manner of carrying into effect his Lordship's directions, as to certain changes in regard to the present system of convict discipline.

These changes are four in number, and we propose to consider them in the order they stand in his Lordship's despatch.

The first is, "the working of all convicts on their first arrival in gangs, totally separated from the gangs which are composed of convicts who are under colonial sentence to hard labour."

With a view of carrying this instruction into effect, we beg to submit that these gangs should be placed as near to Hobart as possible, as well that they may be constantly under the eye of the Lieutenant-governor, as that the chief convict officers may have the opportunity of watching the effects of the system upon the conduct of the convicts, and of improving the whole routine of coercion in connexion with moral improvement, which latter we submit to the Lieutenant-governor should be the great principle in these new probationary gangs, and towards the attainment of which every exertion should be used.

Classification in reference to former character should be strictly attended to. In each gang there might be three classes, to be worked for four, eight, and 12 months respectively, previously to assignment; thus misconduct in the four months' gang would cause removal to the eight months' gang, when if misconduct was still continued, removal to the 12 months' gang would follow.

The convict who, on the contrary, showed decided signs of regularity and mental improvement in the 12 and eight months' gang, should progressively be removed to the four months' gang; whilst those who were guilty of crime in the 12 months' gang should be tried before magistrates, and removed for their several periods of sentence to the gangs employed on public works, by order from the Secretary of State, whence they should again be returned to probationary gangs before they could be assigned.

Great care should be taken to prevent the slightest intercourse, in the first instance, between these gangs and those already in the colony; the newly arrived convicts should, therefore, be landed at the place appointed for their labour, and should never pass through the penitentiary, or have any communication with old hands.

None but free overseers of good character should be appointed; schoolmasters should be provided, superintendents of established character should be employed, and the regular and frequent attendance of a clergyman secured.

These gangs should be clothed in a different manner from the punishment gangs, their hours of labours should be fewer, two or three afternoons of each week should be devoted to school or moral instruction (at which they should all be obliged to attend), and they should be treated under a system enforcing obedience, combined with habits of order and cleanliness, and accompanied by the inculcation of morality and religion.

It may be said that the persons are not to be had to carry out all this; we can only reply, that as much as the state of the colony will admit of should be done.

The director of works should immediately begin to prepare barracks at such stations as may be fixed upon for these probationary gangs, and clothing for these men should also be immediately commenced upon. The supplies of clothing, yellow and grey, from home have been so neglected, that much difficulty has been experienced in keeping up the necessary distinctions between convicts working in chain gangs, and road parties, and public works (not under sentence), which neglect has proved very detrimental to convict discipline and to reformation, as tending to bring all men before the public eye in an equal degree of degradation, and, therefore, doing away with the moral effect upon the minds of men whose offences and general conduct are of different shades of wickedness.

We beg leave strongly to recommend that 10,000 suits of half black and half yellow, 10,000 suits all yellow, and 10,000 suits of grey clothing, be forthwith directed to be sent out from home through the Ordnance Department.

The second point is "the discontinuance of assigning convicts to be employed for the purposes of luxury or as domestic servants."

His Lordship adds his view that this will lead to discontinuing, in a great degree, the residence of assigned servants in town, and thus encourage the employment of emigrants.

His Excellency is aware that emigration has been for some time a dead letter, therefore it will scarcely be practicable, without great injury to the community, to deprive the persons in the town of all assigned servants whatever. The case is very different between this place and Sydney, where immigration is carried on to a great extent.

Under these circumstances we have looked to the question, of what kind of servants should be no longer assigned in towns, and what servants can be yet assigned in towns with least injury to convict discipline?

Footmen, grooms, coachmen, carters, shopmen, boatmen, and servants at public-houses, printers, tailors, shoemakers, blacksmiths, and mechanics generally, are those who have the most opportunities to offend, and who are most subject to temptation; whilst gardeners, cooks, and those men who are actually employed as labouring men, are those who are not exposed in so great a degree to temptation. The reasons are obvious why

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we therefore recommend that the latter servants alone should be assigned in towns, and that the masters should be forbidden to employ them, under pain of their being withdrawn, at other than their particular labour, and not as footmen, grooms, carters, coachmen, shopmen, or such as are herein already alluded to. We think no convicts should be assigned to innkeepers or publicans. This may in some cases, in the interior, be a hardship, but if the rule be not general, uncertainty will ensue, and partiality will be imputed, even though it may not exist.

It is of course to be understood, that in the interior, convicts are not to be employed as footmen, whilst coachmen and (especially) grooms, carters and others, are not to be allowed to work, as such, on the public roads, but only on their masters' properties.

But to enable the community to employ ticket-of-leave labour in such capacities as they are forbidden to employ convicts, we would strongly advise a scale of wages to be laid down for ticket-of-leave men. At present we know their demands are far beyond what the settlers can afford to pay.

Third. We regret to state as our opinion, that the Secretary of State's desire as to a distinguishing badge cannot be so carried into effect as to work beneficially in carrying out the reform of the convict, or in the prevention of crime.

The fourth and last point is " a modification of the present tickets of leave."

Upon this subject we cannot at present offer any suggestion, as, in order to create the desired change, an Act of Council will be necessary, which, we submit to his Excellency, might also include enactments to ensure proper attention being paid by masters to the due working of convicts according to the precise kind of labour for which they may be assigned ; and we beg leave to suggest that no change should take place until such enactments become law.

We are aware that we have not gone deeply into the subject before us ; we have submitted the general details we propose, leaving the particular ones to be suggested as the effects of the changes come to be developed, and as each particular circumstance may require, feeling well assured that any attempt on our parts to meet all the points which must arise out of the contemplated changes would be useless ; these experience alone can suggest.

We cannot conclude without pressing upon his Excellency's attention our opinion, that the moral interests of these men should never be sacrificed to expediency, or for the doubtful advantage of the value of the manual labour to be got from them.

The Colonial Secretary,
&c. &c. &c.

(signed) *M. Forster*, Chief Police Magistrate.
Josiah Spode, Principal Superintendent.

(No. 2.)

GOVERNMENT NOTICE.

(No. 16.)

Colonial Secretary's Office, Hobart Town,
17 January 1839.

THE Lieutenant-governor desires it to be notified, that in a despatch dated the 6th July 1838, the Right honourable the Secretary of State has directed that the following modifications shall be introduced into the system of convict discipline, in force at present in this colony:

1st. All convicts, without exception, are, on their arrival from Great Britain, to be worked in parties totally separated from those gangs which are composed of convicts under colonial sentence to hard labour.

2d. The assignment of convicts to be employed for purposes of luxury, or as domestic servants, is to be discontinued.

3d. All convicts are to wear a distinguishing badge.

4th. There are to be two classes of convicts holding tickets of leave.

The Lieutenant-governor apprehends that, in consequence of the recent emigration of free labourers to South Australia and Port Phillip, and from other circumstances, considerable inconvenience might be felt by the public, were these modifications carried into immediate effect; and his Excellency has therefore decided,

1st. That the first direction shall not be acted upon until after the 1st July next, from which period all convicts on their arrival shall be worked in separate parties for four, eight, or twelve months ; the term of service in such parties being regulated according to the previous character and conduct, and the nature of the offences, of each convict.

2d. That the assignment of convicts to be domestic servants, or for purposes of luxury, shall cease throughout the territory from the 1st July next.

3d. That, after the 1st July 1840, the assignment of convicts in Hobart Town and Launceston shall wholly cease.

The Lieutenant-governor has determined not to introduce any regulation respecting the badge to be worn by convicts, until the further pleasure of the Secretary of State be known respecting it.

An Act of Council will be necessary previously to carrying into effect the proposed new system of granting tickets of leave.

It

It is intended that after the commencement of such Act, (should it pass the Council,) there shall be two classes of convicts holding tickets of leave, the men belonging to the first of which shall be entitled to a certain maximum amount of wages only, to be regulated from time to time by the Lieutenant-governor, to enter into any description of service, and to choose their own masters, whether residing in the town or in the country (subject however to the approval of the chief police magistrate, as at present); whilst the men belonging to the second class shall be enabled to hold property, real or personal, being at the same time relieved from attendance upon any muster, except the annual one; and not being liable to lose their tickets, unless by sentence of the Supreme Court or quarter sessions, having also permission to change their residence at their own option.

By his Excellency's command.

(signed) *John Montagu.*

— No. 3. —

(No. 51.)

No. 3.
Sir John Franklin to Lord Glenelg, 11 March 1839.

COPY of a DESPATCH from Lieutenant-Governor Sir *John Franklin* to Lord *Glenelg*.

Van Diemen's Land
Government-house, 11 March 1839.

My Lord,

ENCOURAGED by the decision which your Lordship has been pleased to intimate, with reference to the suggestions for the improvement of convict disipline, which I did myself the honour to submit in my despatch of the 7th October 1837, I ventured, in my communication of the 15th ultimo, to propose some further measures of a like nature, under the idea that they might be adopted with advantage, should it have been finally determined by Her Majesty's Government to modify the existing system of assignment.

I have been anxious not to lose any time in addressing your Lordship upon this most important question, because I perceive that the Select Committee of the House of Commons have declared their opinion to be in favour of the eventual substitution of reformatory punishment in penitentiaries in or near Great Britain, for punishment by transportation to these colonies.

I should not be disposed to question, under these circumstances, the grounds of this opinion, were it not that I have now been for upwards of two years an anxious observer of the results of transportation, as these are realized in this colony; and had not the conclusion at which I have arrived, been, that did Great Britain abandon the system of transportation without further trial, she would in doing so relinquish, as it seems to me, the best scheme for the advantageous disposal of her criminals.

I am not in any way personally wedded to the present system, neither have I been so connected with it in its origin and progress, as to prejudice me in its favour. So far as I am individually concerned, I am willing to administer any scheme which may be most conducive to the public interest; but it is always my duty to afford your Lordship every information which, from the local advantages I have enjoyed, it may lie in my power to supply in reference to measures connected with my government, deeply implicating the general interests of the empire.

It appears to me that one of the great principles to be kept in view in every system of reformatory discipline, is, that the reformatory process be in continued exercise, so that habits of virtuous reform may be formed, not so much from the absolute inability of the pupil, if I may so call him, to commit the contrary, as from the ever active influence of motives sufficiently powerful to render his self-denial spontaneous; this is in effect to object to penitentiaries as schools of reform, that the very absence of all temptation which characterizes them is itself a defect. In the first stage of corrective punishment, in which it is above all things necessary that the habit of sin should be destroyed, and the criminal be subjected to such a state of novel privation and unaccustomed impressions as will best lead him to reflection and repentance, the negative properties of the penitentiary discipline, whether carried on within the walls of a prison, or in secluded forests, equally impervious to the natural influences of the world without, will doubtless have a salutary effect; but in order to prepare the probationer to return to that world with safety to himself and the community, he should be gradually and cautiously brought under its influence, and trained to struggle with temptation according to

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his strength, and to practise the virtues of a freeman before he becomes free. Again, all the complicated relations of society, some of them very beneficial in their operation, with all the sentiments and faculties which they bring forth, can have but a very limited operation within the walls of a penitentiary, and thus another of the moral agencies, by which man can work on the sympathies of his fellow men for his amelioration, is withdrawn.

Keeping all these considerations in view, it appears to me that the reformatory discipline to which a criminal is subjected cannot, in the nature of things, be successful, unless it be conducted under circumstances as nearly as possible the same with, or at least resembling, those in which he will find himself placed when he becomes free. Upon these principles it is that I submitted the very brief outline of the amended scheme of discipline, explained in my despatch of the 15th of February last.

Your Lordship will perceive that, if the view I have taken of reformatory discipline be a just one, it can be conducted only in a new country where labour is valuable; where alone the convict can readily obtain employment, and where there is a community, from the sympathies of which he will not be of necessity excluded. The continuance of transportation, therefore, appears to be essential, and accordingly it may be proper that I should record, more distinctly than I have yet done, my opinion of its results, as these are evinced in this colony: in doing so, I do not hesitate to affirm it as my belief, that upon the whole the convict and freed population are better disposed, and commit much less crime, than might have been expected, considering their original characters and habits. Indeed, even all the opponents of the present system of transportation in this colony admit the remarkable degree of security, both of person and property, and the attention to religious duties which exist, whilst with respect to the perfectly good order to be seen in the streets of Hobart Town both by day and by night, I feel I may assert with confidence that it is a theme of admiration with almost every stranger.

But the comment not unfrequently made upon this is, the reformation which appears is not real but assumed. The summary character of the laws, and the vigilance of the police, suppress crime; and as for the profession of religion which prevails, it is a mask under which many persons gain advantages, which would otherwise be beyond their reach.

But I submit to your Lordship, that even were this statement correct, a similar observation (with the exception of summary punishments, which apply only to those yet in bondage) might be made to account for the good order and apparent morality of almost every other community; and it is too much to apply to the population of this colony a standard of character higher than that by which the population of England are tried.

The most plausible objection which has been made to the penal discipline of this colony is founded upon the circumstance, that although the convicts in assignment have conducted themselves as a body well, such of them as have become free have not manifested a corresponding degree of steadiness.

But this consequence may be in a great measure traced to the abrupt transition which takes place from a state of restraint to one of freedom.

The transitions from one stage of discipline to another should be gradual; and between the last stage of discipline and absolute freedom there should, if possible, be scarcely any line of demarcation; the one should merge into the other; in proportion as the man submits himself to the restraints which society naturally imposes upon him as one of its members, in the same proportion should positive regulations of every kind be withdrawn.

I am aware that the expectation of unrestricted liberty has now a very great influence in regulating the conduct of the convict; there is scarcely any extent of privation to which, supposing him not to belong to one of the worst classes, he will not submit in order to obtain freedom. I have repeatedly observed this, and I have acted upon the observation; I am well aware, therefore, that by proposing to subdivide the boon, and to grant liberty by smaller instalments, I diminish that intensity of expectation which, whilst the criminal remains under discipline, is often found to exert a high degree of restraint upon his conduct.

But this very intensity is evidently unfavourable to permanent reformation of conduct; for, whilst it operates, the mind of the convict is too highly excited to be acted upon by more ordinary suggestions.

Besides, how inconsistent with itself must every system of discipline be, which professes to form the convict to good conduct after he becomes free, and yet

operates

operates upon his mind by one or two strong engrossing motives alone, which must cease to exist when he does become free. If a man in the penitentiary, or even in assignment, acts well, and exercises much self-denial in the hope of obtaining his liberty, is it not evident that by conceding to him that liberty the cause of his good conduct is taken away? A habit of self-denial may indeed, to a certain extent, have been formed; but the only motive to exert it has vanished, and that at the very time when it was most needed.

The great difficulty is to suggest other motives; to make a man, whose mind has been much exercised with bad thoughts and actions, and the motives which lead to them, perceive how great a pleasure there is in enjoying the esteem and confidence of those around him, in earning honestly his own bread, living moderately and carefully, and in abstaining from habits of dissipation which would unfit him for active exertion.

This I conceive can only be attained by placing a man where his mind will for a period be in contract with, and called to act upon, what is good and valuable, and by subjecting him to a restraint to be gradually diminished as the mind acquires the motives, in obedience to which it is desirable that it shall thenceforth act; an object which will evidently be promoted by giving him wages, or an interest in his work, and if that can be done so as to create the desire to accumulate, the end in view will have been more closely approached.

I entertain the expectation that the plan I have suggested to your Lordship will be found in some degree at least calculated to ensure those results, and to render the mind of the convict active in the acquisition of useful motives. But it is the duty of the government to aim at higher results. The criminal is equally with others within the reach of the gracious designs of Providence; motives deduced from the Gospel, therefore, should, I submit, be assiduously impressed upon his mind, and cultivated there.

I am convinced that were 2,000*l.* per annum expended by Her Majesty's Government in supporting ten pious and zealous ministers, to be employed in the interior of this colony in preaching daily, not in churches, but to the convicts in the houses of the settlers, the benefit to be derived from such a measure would be very great.

Your Lordship will concur with me in the opinion, that, if I am right in supposing the principle of continuity, implying the absence of abrupt transition, to be essential to every description of reformatory discipline, the proposals which have been made by the Select Committee, as to substitutes for transportation, must necessarily not only not be beneficial, but, if carried into execution, prove injurious. In none of them is the harmony which should exist between the employment and relative position of the convict during his servitude, and his employment and relative position after that servitude has expired, in the least degree attended to. So little has the necessity for avoiding rapid transitions been regarded, that it has even been suggested that he might be subjected to discipline in England, and afterwards allowed or encouraged to emigrate to some colony.

Captain Maconochie's scheme is based upon a recognition of the social relation, and, therefore, so far upon right principles, and it is only due to him to observe, that he has explained with much felicity of thought and expression several of the features of the true theory of reformatory discipline. But unfortunately he has not adhered to his own principles; instead of endeavouring to improve the system of assignment, in which he might, I think, have traced his own principles already in action, and that action susceptible of amendment, he has endeavoured to embody them in a system, which, when closely examined, appears to repudiate them.

He has followed nature inasmuch as he maintains that the reformation of the convict should be attempted not by positive regulations, but through the indirect agency of means established and recognized by nature herself. In his parties of six, however, he would excite and overstrain, rather than exercise, the natural powers. The mutual surveillance occasioned by mere idle curiosity is often in small communities sufficiently irritating, but how unjust and beyond endurance vexatious would this description of interference become, when each man had so deep an interest, as is proposed, in the good conduct of his neighbour. This is not all: the mutual anxiety, and the indirect coercion arising from it, would increase to the very last, and each man would be more under external influences, and less independent on the day preceding that of his expected freedom, than in any previous part of his probationary career.

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The transition from restraint to freedom would be most abrupt. Accustomed during the period of probation to a preternatural excitement, the mind would be insensible to the ordinary excitement which would follow.

The union itself of the six men would be unnatural, for nature never sanctioned such a copartnership. The nearest approach to it is the relation between a father and his children, or a superior and his subordinates; but in these instances the party upon whom the responsibility rests is generally in such a position that those for whom he acts do not usually venture to question his conduct: at all events, their relation to him is seldom such as to lead them to watch, or entitle them to reproach him. But in the union proposed by Captain Maconochie all are equal, all are entitled to reproach each other.

There is no room left for the exercise of the good affections, but much for that of opposite qualities; wretched will be the condition of the man who either gains less or loses more of the common stock than the others do. Every man looking to the mote in his neighbour's eye, it is impossible to imagine a more stringent surveillance. Every man's feelings being in a state, as it were, of tension, and jealousy of each other, and suspicion finding frequent and violent, though smothered expression, it is difficult to imagine a fountain of more bitter waters.

Is such an exercise fitted to prepare a man for freedom? for restoration to society? I submit to your Lordship that it cannot be; but even should I be mistaken in the estimate I have formed of its power to produce positive evil, it is at all events certain that good conduct in the relation created between the various members of such a party, never, even did it exist, could with propriety be taken as evidence of a man's fitness to resume his place in that very different relation which exists in society.

In my despatch No. 30, of the 15th February last, I forwarded to your Lordship the copy of a letter which I directed to be addressed to Captain Maconochie, inviting him to furnish me, for the information of Her Majesty's Government, with an enumeration of the facts upon which he had grounded two of his statements quoted by the Select Committee; I now forward to your Lordship his reply, which does not contain that specific statement of facts which I had requested.

May I be permitted to add, that the proposal to send convicts to Port Arthur immediately upon their arrival, would either necessitate a complete change of system in that admirably conducted establishment, or require that all transports should undergo at first the severest form of coercion. Your Lordship will, however, concur with me in the opinion, that it is of importance that the convict should, during the earliest part of his probation, occupy a middle condition, having before him the fear of falling, as well as the hope of rising; that, in fact, the local government should, without having recourse to the most summary means, have it still in its power "to be a terror to evil doers, and the praise of them who do well."

Upon referring to the Evidence and to the Report, one is struck with the, perhaps very natural, disposition which presents itself, to regard every fact of a bad or revolting character as an example or type of the ordinary state of the convicts, and even of society here, and not as an exception to what generally prevails: were England herself tried in some distant land in a similar way, how distressing might be the conclusions arrived at by those who were predisposed to believe an evil report of her.

Since I received the Report of the Select Committee, I have instituted an inquiry as to the assumed existence of a nameless offence at the prisoners' barracks. The result has been almost to convince me, it is difficult at all times to prove the negative, that no such crime prevails there, and that were any man guilty of so horrid an attempt, the probability is that an early intimation would be made to the superintendent.

The notion that female children are frequently prostituted is also, I trust, in a great measure erroneous. It is, of course, impossible for me to say with confidence that it is, but I have no reason to believe that it is not; and it is remarkable, that the very deplorable case which is referred to in evidence, of the existence of so dreadful a state of things, occurred seven or eight years since.

I have, &c.

(signed) *John Franklin.*

Enclosure in No. 3.

Encl. in No. 3.

Sir, New Town, 16 February 1839.

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date, requiring me, on the part of his Excellency the Lieutenant-governor, to state the grounds on which I founded certain portions of my official report on the system of prison discipline in this colony.

Forwarded in Despatch, No. 30, 15 Feb. 1839.

I extremely regret that it should have been thought necessary, in existing circumstances, to make such a reference to me. The passages quoted are for the most part founded on a number of passing facts, constituting a general system, not on a few striking incidents. In the original report also, (I do not know how it may be in the report of the transportation committee), they are qualified repeatedly by the expression, "I think;" thereby distinctly giving them the character of opinions, not statements. They are extracted from a paper which was before his Excellency and the Executive Council before it was sent home; and if my authorities were not required then, when my recollection of them must have been fresh, it were scarcely just to me to ask for them now when it must be much less distinct. Moreover, my general evidence on this subject has been so amply supported by that of others in England, and is so consistent with what is known in moral science to be the inevitable result of a strongly-coercive system working in general society, that to call on me to support its correctness seems necessarily and inevitably to require me just to write another dissertation on the entire subject. I yield to the necessity of doing this, therefore, with extreme reluctance. I regret its being imposed on me; but I must maintain my ground firmly, though respectfully.

I shall follow the order of your questions, and refer to them as you have numbered them.

1. In the original report (p. 11 of Official Papers), there is a note explaining that the reference here made is chiefly to the Government order forbidding convict servants to be paid wages, while the Government paid its own convict constabulary and messengers. Besides this, I referred, in my own mind, to the practice, then not uncommon, though now unusual, of convict overseers having charge of small separate road parties, though settlers were forbidden so to confide in their prisoner servants.

2. I here referred to the occasional forfeiture of assigned servants, when proved to have been lent by one master to another. The principle of not allowing any trafficking in their services is no doubt good; but there have been instances, and one was reported in the newspapers but the other day, where an act of mere kindness seems to have been thus visited. And extreme hardship is occasionally entailed by enforcing the minute regulations of the Absconding Act, and the Act (I do not know its title) regulating the rule of refreshments on Sunday, and liquor to assigned servants generally. I do not dispute the necessity of these Acts; that is not here the question. I merely recapitulate now, what I stated in my report, the inconveniences, the inevitable inconveniences, the results of working a severely-coercive system in the midst of, and in close contact with, the habits, interests, and pursuits of a free population. It is one of the objections to the assignment system that such interference is, under it, unavoidable; and inasmuch as its effect is necessarily often irritating, and sometimes unjust and oppressive, it is a very serious objection to it, which I then maintained.

3. I here spoke of the incessant separation effected between husband and wife, parent and children, caused by the existing severity of the police regulations, especially with regard to ticket-of-leave men. My heart has repeatedly bled at the consequences of this, and so I know has the Lieutenant-governor's. His Excellency had great difficulty, as I am sure he must remember, in at first overcoming his feelings on this head, in deference to the existing code; and now, when put on my defence, I must be allowed to say that my judgment was never able to follow his on the subject. I think that nothing short of a convicted felony should drag a man away from his wife and children, when once established, and labouring for their support. To scatter a family, and condemn its weak and helpless members to starvation, and probably vice, because its head has been out of his house after eight at night, and has in consequence got into a squabble with a constable, seems to me—(I may be wrong, but I am speaking according to the impressions on which I wrote my report)—a very awful disproportion between punishment and crime.

4. My reference under this head may be in part gathered from what immediately precedes. The inevitable consequences of the dispersion of a helpless family amidst a depraved community are vice and crime. But I believe that I more specifically referred to the dispersion of the prisoner population in assigned service, without allowing them to receive wages, or enabling them consequently to procure the indulgences kindred to their nature, and constantly under their eye,—honestly, I think that the result of this is not to be doubted, nor is it doubtful. The prevalence of petty theft among the prisoners is proverbial, as also their universal possession of money, though forbidden to receive it. Nor does the evil end even here. Success in petty theft, and in evading minute regulations, infallibly conducts to greater offence; and the conscience becomes in time reconciled to the commission of almost any enormity. It is thus, I think, that some of the most noted bushrangers (Brady and Regan were two examples) passed from a fair, sometimes even a superior, character, in their previous service, at once to extreme wickedness. This could not be owing to a sudden complete change in their whole moral nature (*nemo repente fuit turpissimus*), but was produced undoubtedly by the destructive influence on the conscience

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of long-continued petty, yet by themselves still distinctly recognized, transgressions. For it is a remarkable circumstance that scarcely any form of vice is very destructive to man, unless recognized by the man indulging in it to be vice. It is the injury done to the conscience that constitutes the injury done to the man. Thus, habits of plunder, concubinage, intoxication, and even theft, are in some states of society found allied with high moral qualities; while in England, and with Englishmen, they pave the way, and eventually lead, almost without exception, to every moral wickedness.

5. The expression regarding punishments, to which your letter refers lastly, is in the original report carefully qualified by the expression "as I think;" and thus qualified, I grounded it on what appears to me the habitual disproportion between the punishment here inflicted on transgressions of police regulation, and the moral quality of the offences incurring them. I do not think that felonies are here treated with extreme severity—that is to say, the sentences do not appear to me severe—though their ulterior operation, from the evil moral effect of the existing road and chain parties, in further corrupting individuals sentenced to them, is often very severe indeed.

But the punishments for offences against discipline always have appeared to me excessive, and this not, as I have repeatedly said, from error or cruelty in the administration, but from the absolute necessity of the case. It is against the system, not its administration, that in this, as in every other instance, I have uniformly argued. The regulations regarding respect, obedience, and the like, are necessarily vague: the apparent extent of infractions of them depends almost entirely on the way the accusation is laid; for how can a magistrate judge of reported looks, or, it may be, imperfectly understood words or gestures? There is no moral offence in almost any of them, nothing that in England would, in a servant, be public offence at all; and no wages being allowed, there is no means of punishing by fine; the way in which bad service, provoking looks and gestures, or other private injuries, can be best and most proportionally visited, according to the occasion. Flogging, imprisonment, and a road party, are thus of necessity had recourse to; and all have an injurious moral effect, far beyond any physical suffering they may inflict. They identify these petty criminals with felons; they associate them with such, and they familiarize them with consequences which ought to be reserved for far higher offences. I repeat, that under the existing system, it seems to me impossible to avoid all this; but therefrom, I contend, is that system bad. The more necessary these circumstances are shown to be, the more vitally, as it apears to me, are the arrangements to be condemned which create that necessity.

I have thus replied to the several questions in your letter. I do not know that I can add more, excepting that I shall most sincerely regret if my replies furnish occasion of renewed offence. Nothing can be further from my wish or intention; I merely seek to justify my original expressions.

I have, &c.

The Colonial Secretary. (signed) *A. Maconochie.*

— No. 4. —

No. 4. Sir John Franklin to Lord Glenelg, 12 April 1839.

(No. 62.)

COPY of a DESPATCH from Lieutenan-governor Sir *John Franklin* to Lord *Glenelg*.

Van Diemen's Land, Government House,

My Lord, 12 April 1839.

I HAVE the honour to submit to your Lordship the accompanying inspection report, by Mr. Forster, the colonial secretary, of the transport vessel Pyramus, which arrived here with 160 convict boys, on the 24th ultimo, during my absence in the interior.

25 March 1839.

It affords me pleasure to bring under your Lordship's notice the very satisfactory and creditable manner in which the duties of surgeon superintendent of this vessel have been performed by Mr. Foreman, R. N.; but the point to which I wish particularly to draw your Lordship's attention is Mr. Forster's suggestion, that, in the fitting up of transports in future, the sleeping-places of the convicts should be partitioned off from each other.

This measure has been adopted at Port Arthur, and at the road parties in the colony, with advantage; being found very conducive to cleanliness, and a prevention to immorality, which should be especially guarded against where large bodies of depraved beings are congregated together.

I would also submit for your Lordship's consideration, that it is very desirable the younger convicts should not be associated with those who, older in years and in crime, are calculated to harden those less depraved than themselves. With this view I would suggest, that in future transportations of juvenile offenders to this colony the older youths should not be sent out in the same vessels with the smaller boys.

I am

I am induced to offer this remark, from the circumstance of its having been necessary to land at Hobart Town, from the Pyramus, no fewer than 70 of the convicts by that vessel, many of them being 18 and 19 years of age, and consequently too old to commence learning any trades, and to be subjected to the milder discipline of the establishment at Point Puer. VAN DIEMEN'S LAND.

I have, &c.
(signed) *John Franklin.*

Enclosure in No. 4.

Sir, Colonial Secretary's Office, 25 March 1839. Encl. in No. 4.

I BEG to inform your Excellency that the Pyramus transport, with boy convicts, anchored in this port late on Friday evening, and that on the following morning I went on board and made the usual inspection.

It is only due to the medical officer in charge, surgeon Foreman, R.N. to report the extreme cleanliness and regularity I observed on board this vessel, which, as well as the healthy appearance of the boys, are very creditable to the surgeon in charge, and who made a favourable report of the conduct of these boys, as well as of the ten overseers (convicts) who came out with them.

Perpaps your Excellency will allow me to offer my opinion, that if convict transports were fitted up with single berths, each berth separated by a board (as is the case at Port Arthur, and at the road stations in this colony), it would be a considerable improvement upon the present mode of fitting up each sleeping berth to hold four persons.

His Excellency Sir John Franklin, K.C.H., Launceston.

I have, &c.
(signed) *M. Forster.*

— No. 5. —

(No. 14.)

No. 5. Lord John Russell to Sir J. Franklin, 7 Nov. 1839.

COPY of a DESPATCH from Lord *John Russell* to Lieutenant-governor Sir *John Franklin.*

Sir, Downing-street, 7 November 1839.

I HAVE received your despatch, No. 62, of the 12th of April last, reporting the arrival at Van Diemen's Land of the ship Pyramus with convict boys, and calling attention to the suggestion of the colonial secretary, that in the fitting up of transports in future the sleeping-places of the convicts should be partitioned off from each other.

I directed a copy of your despatch to be referred for the consideration of the Secretary of State for the Home Department; and I transmit to you herewith a copy of the reply which has been received from that office, from which you will observe that it is considered Mr. Forster's recommendation would be prejudicial to the health of the convicts, and cause increased expense.

4 Nov. 1839.

I have, &c.
(signed) *J. Russell.*

Enclosure in No. 5.

Sir, Whitehall, 4 November 1839. Encl. in No. 5.

WITH reference to your letter of the 10th ultimo, enclosing a copy of a despatch from the Lieutenant-governor of Van Diemen's Land, reporting the arrival of the ship Pyramus, and recommending that the sleeping-places in convict ships should be partitioned off from one another, I am now directed to transmit to you, for the information of Lord John Russell, a copy of a letter from Sir John Barrow with respect to Sir John Franklin's suggestion.

James Stephen, Esq. &c. &c. &c.

I have, &c.
(signed) *F. Maule.*

VAN DIEMEN'S LAND.

Sir, Admiralty, 1 November 1839.

Having laid before my Lords Commissioners of the Admiralty your letter of the 12th ultimo, transmitting an extract of a letter from the Lieutenant-governor of Van Diemen's Land, recommending that the sleeping places in convict ships should be partitioned off from one another, I am commanded by their Lordships to acquaint you, for the information of the Marquess of Normanby, that this recommendation has been submitted to the proper officers, who report that it would be prejudicial to the health of the convicts and cause increased expense, in which opinion my Lords concur.

The Honourable F. Maule, &c. &c. &c.

I have, &c.
(signed) *J. Barrow.*

— No. 6. —

(No. 91.)

No. 6.
Sir John Franklin to Lord Glenelg, 31 May 1839.

COPY of a DESPATCH from Lieutenant-Governor Sir *John Franklin* to Lord *Glenelg*.

Van Diemen's Land,
Government House, 31 May 1839.

My Lord,

I HAVE the honour to forward to your Lordship a memorial addressed to me by the free colonists inhabiting the northern division of the island, and which was adopted at a public meeting held at Launceston, on the 27th March last, on the subject of the intended discontinuance of the assignment of convicts to be domestic servants, as well as a copy of the reply which I made to the same.

No. 1.

No. 2.

I have, &c.
(signed) *John Franklin.*

Enclosures in No. 6.

(No. 1.)

TO his Excellency Sir *John Franklin*, K. C. H., Lieutenant-Governor of *Van Diemen's Land*, &c. &c. &c.

Encl. in No. 6.

The humble Memorial of the Free Colonists inhabiting the Northern Division of the Island, in Public Meeting assembled, respectfully setteth forth:—

1. That memorialists have viewed with regret those portions of the Government order of the 17th January last (No. 16) which direct that the assignment of convicts to be domes tic servants shall cease throughout the territory from the 1st July next; and that after the 1st July 1840, the assignment of convicts in Hobart Town and Launceston shall wholly cease.

2. That presuming the intention of the Government to be to allow those prisoners who are already in domestic or town service to remain with their present masters, confining the operation of the order to declining future assignment, memorialists would still respectfully point out, that in consequence of some men misconducting themselves, and others gaining their tickets of leave, or their freedom, the new regulations must (after the respective dates mentioned) become, to a certain extent, immediately operative, and will, within at most the space of a couple of years, have gradually attained their complete effect, that, namely, of leaving all colonists residing in the country without assigned domestics, and such as reside in the towns without assigned servants of any kind.

3. That thus the people of the towns will be wholly thrown upon free and ticket-of-leave men, both for domestic servants and labourers; and the country residents on the same classes for their domestic servants.

4. That it is feared that this demand will be actually greater than the number of those classes, supposing even the majority willing to take domestic service, will be able to supply; and thus one consequence of the forced distribution of labour which the new regulations will effect would seem to be inevitable, that more labourers than there will be an immediate demand for will be devoted to agricultural and pastoral occupations, and too few to domestic employments; which cannot but be considered an anomalous state of things.

5. That if, as declared, it be the intention of Government to limit the wages of a certain class of ticket-of-leave men, it will be quite impossible for Government to carry such intention into effect, at the same time that, by limiting the number of men eligible as domestic and town servants, they do everything to raise the natural rate of wages to such as are so employed.

6. That

6. That the inevitable tendency of the new regulations will be to fill the towns with ticket-of-leave men, who in future will reside for the first time in the towns, after receiving their tickets; thus an entire body, unused to town life, yet thrown in the way of high wages, under the forced competition which must ensue between masters, when the supply of labourers is limited.

7. That if it be thought that domestic service is one of greater comfort than any other, it is believed by memorialists, that from the greater constancy of employment therein, it is, if anything, one of less comfort. Perhaps, however, to those who have been bred to domestic service, it is felt to be about as desirable as agricultural employment is by those who have been used to farming pursuits, and neither more nor less so.

8. That memorialists submit, that as it is always to be hoped that prisoners will eventually either receive tickets of leave or become free, it would tend to a better general result if, in assigning prisoners, some reference were had to that ultimate distribution of them which would naturally take place on their rejoining the free community; that as some would eventually take to farming or shepherding, or to different trades, and some to various domestic callings, some to the town and some to the country, it were the best, because the most analogous preparation for this state of things, that the body of prisoners should previously be assigned in those several capacities and situations, according to the exigencies of the public, and not be confined to merely farming pursuits, and to a residence in the country exclusively.

9. That memorialists would then submit to his Excellency, that viewed both morally and economically, the Government order of the 17th January, in so far as it relates to the two points adverted to, will have a prejudicial effect; and therefore, confiding in his Excellency's known anxiety for the general and individual welfare of all classes of the community, memorialists would humbly beseech his Excellency, in the spirit which has already so considerately influenced his Excellency, to postpone for a time the operation of the new assignment regulations, to suspend them for an indefinite period, in the meanwhile bringing under the notice of the Right honourable the Secretary of State the expediency of annulling them altogether.

(signed) *Thomas Archer*,
Launceston, 27 March 1839. Chairman.

(No. 2.)

Sir, Government House, 17 May 1839.

My private secretary having already acknowledged the receipt of your letter of the 1st instant, I now do myself the pleasure of communicating to you my reply to the prayer of the memorial which it enclosed, and which was adopted by the colonists inhabiting the northern division of the island, when they assembled in public meeting on the 27th day of last March.

The memorialists bring under my attention their desire that I should suspend for an indefinite period the operation of the measures announced in the Government notice of the 17th January last, in so far as these relate to the discontinuance hereafter of assignments of convicts, to be domestic servants in any part of the territory, or to be employed in any capacity in Hobart Town or Launceston.

I regret that I must request you to intimate to your coadjutors my conviction that, consistently with a faithful discharge of my duty to Her Majesty's Government, I cannot accede to the application which with so much earnestness has been pressed upon my consideration; but I shall feel obliged by your also informing them at the same time, that I have not arrived at this conclusion without having previously devoted to the subject that degree of attention, which was evidently called for by an expression of opinion, emanating from so large, and in all the relations of life, so respectable a class of Her Majesty's subjects, as the free colonists who, in public meeting assembled, agreed to the memorial in which that opinion is embodied, illustrated, and enforced.

Did the penal discipline of the colony involve merely a question of economy, the arguments you have used would be, as a whole, unanswerable. But the distribution of convict labour must be regulated by other principles. The paramount object which the British Government have in view in continuing transportation at so great an expense to the mother country, is the prevention of crime throughout the empire, and the misery which springs from it. Another object is the reformation of the criminal himself. The most advantageous disposition of labour, however economically important, should be in penal discipline only a secondary consideration.

The alterations to which the memorialists refer were recommended by me to Her Majesty's Government from the conviction that assignments in the towns, and to be domestic servants, tend to prevent the attainment of the great ends to which I have adverted, and therefore ought to be discontinued, however desirable in other respects they may be. And I would here observe, that the result of my continuous observations has been to confirm and strengthen that conviction.

In my despatch to the Secretary of State, of the 7th October 1837, in which I first submitted proposals for the alterations which are now about to be commenced, I informed His Lordship that in a future communication I intended to transmit the opinions upon the subject of a select number of settlers of wealth and long standing, who might be

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considered the most intelligent part of the colonists. I shall therefore have great pleasure in forwarding your memorial to his Lordship, for I shall thus be enabled, in a great degree, to fulfil that intention, which I never had it in my power to effect until now in a manner which appeared to be unexceptionable.

In conclusion, I would express the satisfaction which I feel in communicating with you on the present occasion.

I have, &c.

Thomas Archer, Esq. M. L. C. &c. &c.

(signed) *John Franklin*

(No. 3.)

From the "Launceston Advertiser," March 28, 1839.

PUBLIC MEETING.

PURSUANT to requisition, the public meeting which had been called for yesterday was held in the new court-house, Launceston. By 12 o'clock, the hour appointed, a large concourse of our most respectable country and town residents had assembled. We should think that not less than 200 leading colonists of the Northern division met together on the occasion.

The under-sheriff opened the proceedings in the usual manner, after which he requested the meeting to proceed to the election of their chairman, remarking, at the same time, that he would be happy to assist the gentleman whom they should elect. Upon this it was moved by Mr. Thomas Henty, and seconded by Mr. John Sinclair, that Thomas Archer, esq. should take the chair. The motion was received with unanimous approbation.

Mr. Archer having assumed the chair, addressed the meeting to the following effect:—"Fellow Colonists,—It is with much pleasure that I comply with your request to take the chair on this occasion; and although I have not been in the habit of attending public meetings for many years, the circumstances which have given rise to the present one involves so deeply the character and prosperity of our adopted land, that I should consider any objection or reluctance on my part to take a share in its proceedings as altogether inexcusable. (Cheers.) The publication of the draft petition, which I entertain no doubt has been read, and its substance maturely considered by you all, relieves me from the necessity of entering into any lengthened detail of the objects contemplated by the present meeting. The gentlemen who will propose and second the different resolutions about to be submitted for your consideration will no doubt enter fully into detail as to their object, and I should therefore be taking up your time unnecessarily by anticipating the substance of those resolutions. Permit me, however, to request of you to listen with patience and attention to whatever may fall from those gentlemen who may address the meeting; and, by avoiding interruption, facilitate its progress. The matter now coming under discussion being of vital importance to the welfare of the colony, and of common interest to us all, unanimity is of course most desirable, and will, I trust, characterize the proceedings of this day. I avail myself with thanks of the able assistance which our worthy under-sheriff has so handsomely offered, and we will now, gentlemen, proceed, if you please, to consider the different objects for which this meeting has been called." (Cheers.)

We may here remark that the wishes of the chairman were amply realized by the proceedings of the meeting. In every essential particular, they were characterized by a remarkable spirit of unanimity; and it would have been impossible for a public meeting to have gone off with greater eclat.

James Cox, esq. said that he had the honour to propose the first resolution,—

"That the Select Committee of the House of Commons appointed to inquire into the system of transportation having recommended its discontinuance, the colonists are called upon, no less in justice to what they believe to be the real interests of the parent state than to the well-being of their adopted country, to offer some public remonstrance against such recommendation being carried into effect."

The objects of the meeting were so well known, and the resolution would be, he had no doubt, so ably seconded, that he felt he was spared the necessity of making any remarks upon the resolution which he held in his hand, and should content himself by simply proposing it to the meeting.

J. W. Gleadow, esq. seconded the resolution. He commenced by remarking that if the recommendations of the Committee of the House of Commons on Transportation were carried into effect, the result would be ruinous indeed. The high rate of wages in the neighbouring colonies deprived this colony of all its men, as they became free; whilst free emigration, he feared, had been stopped by the Government. Let transportation be done away with, and nothing was left but for settlers, individually, to send home for men; a course which, while it would be productive of much general good, would be ruinous to individuals. But putting self-interest aside, he would come to the consideration of the assignment system, as it tended to reform the prisoners. He had been 13 years resident in the country, and had had many prisoners constantly in his service, and he averred, from

from his own experience (and his servants had had no greater advantages than those of many of his neighbours), that assignment tended, essentially, to the moralization of that class. (Hear.) It was to Captain Maconochie, in a great measure, that he attributed the resolutions of the Transportation Committee; yet what experience had that gentleman when he made his famous report? He arrived in January, and by May had written his long and laborious reports; so that he could not have had three clear months in which to gain his information; presumption was a slight word, therefore, to apply to Captain Maconochie's conduct on the occasion. (Cheers.) Captain Cheyne was the only person who had at all supported Captain Maconochie's statements. And what had been Captain Cheyne's experience? It was plain his experience had been confined to the chain gangs alone. No doubt Captain Cheyne desired the moral reformation of the prisoners, but he was grossly wrong in his notions of assignment, and in his estimate of the character of the free settlers. Fortunately not one official person of experience agreed with him. It appeared to him (Mr. Gleadow) strange that the local government had never called on the gentlemen of the country, the parties most competent to give opinions upon the question, previously to the transmission from this country of the voluminous reports which had been lately reprinted from Parliamentary papers, and circulated in this country. In looking through the Lieutenant-governor's despatch, accompanying those official reports, he found that his Excellency had advised Lord Glenelg of his intention to obtain and transmit "the opinions of a select number of settlers of wealth and long standing, who may be considered to represent the most influential part of the colonists." This would have indeed been a wise and just course; but for the Lieutenant-governor to forward the reports of official men alone, reports tending to sacrifice the interests of those who had for years anxiously and industriously laboured, not only in the advancement of their individual interests, in the various vocations of their lives, but for the moral and religious welfare of the prisoners entrusted to their care, did seem to him objectionable. He had never heard that the colonists had been referred to on these points; while statements had been forwarded home, which had already led to the direction of the enforcement of regulations of the most injurious tendency, and the colonists were thus left to remedy the evils resulting therefrom as well as they could. It was not improbable that what might be said and done, at this late period, would be unavailing; regulations, founded upon the objectionable evidence referred to, might have been irrevocably fixed; still it was the duty of the colonists to remind the Lieutenant-governor of his former intentions; and if his Excellency's mind had changed, or he had been advised against the plan which it was evident he had formerly intended to pursue, they could now request him to take the opinions of the colonists themselves. At the same time that he made these remarks, he of course would not take upon himself to say that his Excellency, in postponing his declared intentions, might not have been influenced by considerations of weight, especially when he bore in mind the manifest interest which his Excellency had always exhibited in the personal welfare of the colonists. He (Mr. Gleadow) was satisfied that none among the settlers, should his Excellency now request their evidence, would be found so degraded as to allow any supposed self-interest to lead them to statements, relative to the assignment system, which should not be found entirely consistent with truth, or which should lead them to conceal any known defects in that system. This course being pursued, he (Mr. Gleadow) was satisfied good reasons could be furnished to the Home Government for the continuance of assignment, and to his Excellency the Lieutenant-governor for the further postponement of the new assignment regulations. He hoped it would form part of the directions of this meeting, to the committee which he supposed would be appointed, to attend to this point. In conclusion, he would just remind the meeting, that to effect so great an object as the removal of aspersions upon the character of the free colonists, increased exertion was called for. To have allowed so long a period to have elapsed without adopting measures which should have this object in view, was shameful to all; but he hoped the delay would now be made up for by extraordinary efforts. The resolution, on being put to the meeting, was carried unanimously.

Capt. Wood moved the second resolution,—

"That a petition to Her Majesty the Queen, from whose councils it is most likely any measure for altering the existing system of secondary punishment would proceed, present the most expedient course for the colonists to adopt on this occasion."

In addressing the meeting, he said he had of course to leave it to the sense of the meeting whether the petition should be addressed alone to the Queen, or to the Houses of Parliament, or to all three. For his part, he preferred addressing the Throne at once; and leaving the responsibility of granting or refusing their prayer to the ministry of the day. He should be happy, however, to bow to the decision of the meeting, if it was found to be contrary to this opinion.

This resolution was seconded by C. S. Henty, esq. and carried, to the exclusion of an amendment by Mr. Sinclair, proposing that both the Queen and Parliament should be addressed.

Thomas Walker, esq. moved the third resolution,—

"That, in furtherance of the last resolution, the following petition to the Queen be adopted by this meeting.

VAN DIEMEN'S LAND.

The humble Petition of the Colonists inhabiting the Northern Division of the Island of the Van Diemen's Land, humbly setteth forth the following:

1. That petitioners have heard with concern that the Select Committee of the Commons House of Parliament, appointed to inquire into the system of transportation, have concluded their report with certain resolutions, of which the first is as follows:—

"That transportation to New South Wales and Van Diemen's Land should be discontinued as soon as practicable."

2. That petitioners humbly beg to express it as their conscientious opinion that the resolutions of the Committee are, as respects this colony (for of New South Wales they cannot speak of their own knowledge), founded on evidence at once partial, incomplete, and in many instances wholly unfounded in fact.

3. That petitioners do not pretend to say which is the best system of secondary punishment for the mother country to adopt; but petitioners would humbly suggest, that upon a question upon which so many intelligent men have differed in opinion, the most grave and mature deliberation should be given to any proposals for a change in the existing system.

4. That whatever the comparative effects of the transportation system might appear to be, upon sufficient trial of other modes of secondary punishment, it is confidently believed that its positive results are widely different from those which the Select Committee have deduced from the incomplete, yet exaggerated evidence received by them.

5. That in particular, as respects the character of the free population of this colony, the effect which a large labouring convict population has had upon their social condition, has been entirely misrepresented. As a body, the free settlers of Van Diemen's Land of the present day need not fear comparison with any other equal number of the Queen's subjects in any part of Her Majesty's dominions, whether as to humanity, as to good morals, or as to their attention to the ordinances of religion. Indeed, it is believed that the very presence of a convict class, as to whom it is merely a rhetorical exaggeration to say that they are slaves, operates rather as a provocative to highly exemplary conduct than otherwise. Their whole aspect in fact is that of a moral, religious, intelligent, active, and industrious community of Britons; and of the truth of this they challenge investigation.

6. That it were an absurdity to assert that vice does not exist among the convict classes. It exists to a very great and deplorable extent. But seeing the nature of this portion of the population, (which petitioners believe has too seldom been kept in mind, whereby much has been referred to the system which ought to have been referred to the original or inherent depravity of the convicts,) petitioners cannot but consider that a much greater extent of vice and crime might have been expected, than what is really to be found among the convict classes.

7. That, indeed, while it is admitted that vice abounds, there are a vast number of instances, and the proportion of them is believed to be increasing daily, in which convicts, or men who have been such, have become sober and well-conducted, and not a few of them religious members of society.

That transportation, coupled with assignment, has now had the experience of nearly half a century; and from that experience, the following results may be affirmed of it, as either having taken place, or (under the correction of ascertained evils) being attainable for the future:

Transportation removes the criminal, in the great mass of instances for ever, from the seat of his crime.

Assignment eases the State of the cost of maintenance and superintendence of criminals, to a very great extent.

The convict, as he becomes free, finds himself in a society in which, though known as having been a prisoner, his past condition is not felt as an insupportable reproach to him; while he can obtain good wages for his labour, every convict, by the time he has arrived at his freedom, having attained an expertness in one or more of the various trades and callings useful in a young country; a feature in the system of transportation, that enables it to vie, at least as far as this point is in question, with the best devised penitentiary systems of America.

The transportation system is susceptible of every degree of necessary severity; while its adjunct, assignment, (which petitioners emphatically deny to be in the mass of cases a condition of hardship, but affirm it to be, on the contrary, one of great physical comfort,) need not be resorted to, until, as indeed late regulations have directed, a probationary term of punishment should previously be gone through by the convict, in the service of the Government.

The want of adequate religious instruction has been the greatest fault of the transportation system in past years; yet perhaps no system offers a better opportunity for affording such instruction in an effective manner. With their increase in wealth, religious observances have rapidly increased among the free settlers, and are daily spreading their healthy influence downwards, at little or no cost to the mother country.

9. That

9. That petitioners have thus glanced at features in the transportation system, which, as they submit, exhibit so many advantages, which are attainable by its continued adoption, as to involve every received principle in a good scheme of secondary punishment; and they therefore confidently submit, that the expediency of entirely changing the existing system for novel speculations in penal discipline, at no doubt immense cost to the parent country, must be considered as doubtful in the extreme.

10. That petitioners believe that they are benefited by the existing system. They do not desire to conceal this belief. They emigrated under the existing system; have embarked large capitals, and (by the aid of them and their industry) have acquired extensive property under it, it may be truly said under the faith of its continuance; they have laboured industriously, and endured in past times much hardship, and risked much danger under it; but the result is one which, if they wished, they could not conceal,—unprecedented prosperity, as manifested in a large import and export trade, in the advantages resulting from which the mother country is a joint participator; in a highly improved territory; and large and flourishing towns and villages. They naturally do not desire to see their property shaken to its very foundation, by a change in the system of secondary punishment, operating powerfully as that change would on the supply of labour in the colony; more particularly as, from the limited extent of Crown lands available for sale, this colony, unlike the neighbouring provinces, has not the means of carrying on an extensive immigration of labourers. But petitioners rest their prayer, not only on the injury to them and their families which any great and sudden change would entail, but on the danger which they think they can see resulting therefrom to important national interests.

Under all these circumstances, it is the humble prayer of petitioners that Her Majesty will not sanction the adoption of any measure having for its object to abolish the system of transportation, coupled with assignment, as the national system of secondary punishment; or that, before introducing such measure, a commission of inquiry be first sent out to Van Diemen's Land, to ascertain, upon undoubted evidence, on the spot, the exact moral and social condition of all classes in the colony.

Mr. Walker said, he had come to the meeting that day to deny the foul aspersions which had been made against himself, along with his brother colonists (hear); and next, to bear the testimony of one who had been 20 years a colonist to the beneficial effects of the transportation system. He fully concurred in all that had fallen from Mr. Gleadow. He could corroborate what that gentleman had said of the moral improvement of the prisoners. He had himself turned many a useless man into a good member of society. The Government might have their penitentiary systems if they chose; it was not for him to dictate to the Government in the matter; but he was satisfied their advantages would not equal those of transportation properly conducted.

L. W. Gilles, esq., seconded the petition. He wished some abler hand had consented to take the task which had devolved upon him, but the able hands too frequently kept themselves aloof on such occasions. He would, however, do his best to explain the petition to the meeting, hoping that, it having been published, few present had not read and reflected upon its contents. He had not the merit of drawing it up, and therefore he might be permitted to give it its full meed of praise. As a document it was simple and energetic; its prayer, simply, that Ministers would pause before striking; that they would hear before they condemned. The petition indeed indignantly repelled the foul aspersions that had been made on the character of the colonists, not however in offensive language, but rather, to quote a well-known term, in language of "unimpassioned severity." He would read the petition, and would offer such comments as might suggest themselves to him as he went along. The speaker then as he proceeded took occasion to show, that with respect to the gross calumnies which had been published in England, and those which, more moderate in tone but not less dangerous, had been sent from this country, the petition demanded ample investigation. In directing attention to the passage in the petition which referred to the increasing morality of the prisoners, he adduced some statistical returns, furnished by the Rev. Dr. Browne, showing the numbers of those classes recently married, and converted into useful members of society; and in support of the alleged desire on the part of the free community to increase the means of public and private worship, he referred to the large sums collected for the building of churches by private contribution, and to the singular fact that this colony exceeded every other colony in the British dominions in its contributions to the British and Foreign Bible Society. The reports which had been sent from this colony, to which Mr. Gleadow had so forcibly directed their attention, were founded on a total ignorance of the real condition and character of the colonists. They must have been drawn from polluted sources, and their authors should depart from amongst us. (Hear.) It was said that transportation took men from the seat of their crime; and this was attended with the greatest moral advantages. It was said that transportation was a cheap method of secondary punishment; but its cheapness was but one, and that its least recommendation. The petition rested its cause on far higher grounds. It was stated that here the prisoner, when he became free, did not feel his station an insupportable reproach to him. In no other mode of punishment could he see how this admirable result could be produced; admirable as encouraging the convict to reformation. At the same time there was no want of proper feeling of abhorrence to crime on the part of the free population. But of their character he would add nothing to what he had already said; there were those present who were better qualified than

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than himself to speak on this head. Heaven be praised, there were many in the colony, not only ministers but others, who devoted all their time and energies to the moral and religious reformation of the prisoners. (Hear, hear.) The petition referred to the project of working men previously to assignment. On this topic much might be said on both sides; he left it in the hands of the meeting. It was said that the present system, such as it was, or might be made, required much deliberation before it was renounced for novel speculations in penal discipline—novel truly; such, for example, as the tally system which had been proposed, and which would require perhaps a dozen superintendent-generals to work it out. The petition concluded with a frank acknowledgment of the injury which would be done to the colonists if the recommendations of the Transportation Committee were carried into effect. It would injure them, no doubt, and it was right and proper that the colonists should have a regard for their own interests; but he denied that their own interests exclusively guided the colonists on the present occasion. In this colony no large fund existed to which to resort for free labour; at the same time its insular position gave this colony great advantages as a penal settlement. Mr. Gilles concluded by observing, that the proceedings of that day would place on record the feelings of the colonists on the important subject before them.

The Rev. Mr. Dowling rose in further support of the petition.

He said that had the meeting been called merely to consider the question of transportation and the assignment system, he would not have considered it at all within his province to have offered any remarks upon the proceedings, whatever his private views on the subject might have been. But as the prayer of the petition made distinct reference to the humanity and morality of the free settlers of the colony, and also to the extension of the means of religious education amongst the convict classes, he felt subpœnaed by the duties of an honest conscience before that assembly there to lift his voice in defence of a people who had been grossly misrepresented. (Hear, hear.) Loyalty to Her Majesty the Queen, and justice to the colonists, as well as sympathy in their deeply-wounded feelings, demanded this at his hands (cheers); and he should feel he deserved reproach if he did not cheerfully respond to the call thus made upon him. He was utterly at a loss to conceive how statements so glaringly untrue, capable of such decided refutation by existent facts, could ever have gained circulation against the free population of the colony; a population, indeed, which would triumphantly stand the test of comparison with any equal body of men in Great Britain. In the latter country he had been, for an uninterrupted period of twenty-one years, the pastor of a Baptist church, and connected with that station, he had been engaged in very extensive itinerant labours in very many counties of England; and after a residence of nearly five years in the colony, during which he had been very constantly employed in missionary labours, he felt somewhat qualified to make the contrast; and he would be wanting in honesty if he did not there avow, that the colonists of Van Diemen's Land lost nothing by such a comparison. (Cheers.) As a missionary, in Great Britain, he could not go indiscriminately to any and every house, in the expectation of meeting there with such hospitality, or of being afforded such opportunities of ministering to its inmates, as he had done in this land. He had found not only a cordial reception, but, he might say, the anticipation of his wishes, in the opportunities afforded him by the colonists for testifying to the glories of the Lord and Saviour. On his quarterly journeys, as a missionary, embracing a very extensive circuit, he had always found such a disposition existent amongst the settlers, and themselves, their families, and servants were happy in an attendance upon religious ordinances. It had given him pleasure to hear a favourable reference made by some speaker to the mass of the convict population, in their respective employments. He might say more. He had been delighted oftentimes to observe, even in the chain gangs and road parties, the order, attention, and frequent manifest feeling, under religious instruction, of the convicts. A decency marked these religious meetings equal to that of any congregation in England. He had been gratified to observe also the solicitude of the heads of the Government to extend means of religion to these men; and could speak to the attention of the officers in charge of such parties in the furtherance of these objects. In confirmation of the statements with which he had detained the meeting, he hoped a minister whom he saw present would add his testimony.

The Rev. Mr. Simpson, the Wesleyan minister stationed in this town, confirmed what had fallen from the Rev. Mr. Dowling, adding that he himself had always been received in his travels through the country with gladness, and his ministrations had everywhere been acceptable. He had frequently, when at a friend's house in the country, received pressing invitations from surrounding settlers to turn aside from his route and preach the word of God to them and their establishments. The petition was then put, and carried unanimously.

The 4th resolution was proposed by Lieut. Foote, R.N. and seconded by Capt. Wood,—

"That a committee be now appointed for superintending the engrossing of the petition, obtaining signatures to it, corresponding with the local Government on the subject, transmitting the petition to Her Majesty in the regular manner, and generally for taking all necessary steps for securing the objects which the petition has in view; and that the following gentlemen constitute such committee, with power to add to their number, five being a quorum:

"Captain Stewart, F. Y. Wilmore, Tamar; B. Horne, H. Harrison, Ross and Campbell Town; T. Parker, William Archer, A. Walker, H. Rowcroft, Norfolk Plains; J. Sinclair, A. Collett,

A. Collett, James Youl, Capt. Wood, Morven; James Mackersey, A. Gatenby, Macquarie River; S. Martin, A. Jones, P. Oakden, W. P. Ashburner, Westbury; Major Gray, Jas. Aitkin, Avoca and South Esk; T. Fletcher, W. Young, Lake River; Jas. Henty, J. A. Jackson, J. W. Gleadow, T. Williams, L. W. Gilles, J. S. Hill, J. Atkinson, M. Connolly, Launceston.

"And that it be a specific instruction to the committee to give their particular attention to the following paragraph in the Lieutenant-governor's letter to Lord Glenelg, dated 7th October 1837, and published as a Parliamentary paper; namely,

"'In a future despatch I propose to submit for your Lordship's approbation a more detailed as well as comprehensive view of the above modifications of the present system, and at the same time to transmit the opinions of a select number of settlers of wealth and long standing, who may be considered to represent the more influential part of the colonists, and whose opinions I have therefore thought your Lordship might be desirous of knowing, upon a subject in which their own interests are so deeply involved,'

Requesting of his Excellency to be informed if the evidence alluded to has been transmitted, or if any objection exists on his part now to forward it; and that if it should not meet his Excellency's views so to do, the committee be requested to take such steps as they may judge necessary for placing the assignment system in its true light."

Mr. T. Bartley thought that there was an assumption in this resolution that the Lieutenant governor had neglected the interests of the colonists; whereas he thought that his Excellency had always shown himself on the present subject most sensibly alive to the welfare of the colony. He had severed himself from a friend of many years' standing in consequence of differences of opinion upon penal affairs, in which the Lieutenant-governor was with the colonists.

The Chairman suggested that possibly the Lieutenant-governor might have communicated home, in the terms of his despatch, for anything that the meeting might know to the contrary.

Mr. Gleadow submitted, in support of the motion, that the Lieutenant-governor's despatch told them of his Excellency's intention; that was a fact publicly before them; and if his Excellency had obtained the evidence of the respectable colonists on the assignment system, all he could say was, that he saw before him almost every settler of influence in the north of the island, at the present meeting, and no one seemed prepared to say that he had been consulted. Still, he would repeat what he had before said, his Excellency might have reasons for not taking the course he prescribed to himself in his despatch. The present motion did not gainsay this, but simply would have inquiry made upon the subject. It was desirable that the evidence of persons of experience should be set against calumny and the misrepresentations of ignorance.

Capt. Wood, as seconding the motion, begged to disclaim any allusion of the kind referred to by Mr. Bartley. Whatever his politics, he would do the Lieutenant-governor justice; her emembered his Excellency's letter to the Campbell Town committee, and that showed his Excellency's feeling on the present subject in a most favourable light indeed.

The resolution was then carried unanimously.

The fifth resolution was proposed by W. Archer, esq., and seconded by T. Bartley, esq.—

"That it be an additional instruction to the committee to request the testimony of his Excellency the Lieutenant-governor, and the various clergymen of the several denominations of Christians in the colony, as to the moral and religious character of the settlers; and that the same be forwarded with the petition to Her Majesty."

After some little discussion as to whether the powers of the committee were not equal to any necessary duty of the kind contemplated in the motion, the resolution was unanimously carried.

The sixth resolution was proposed by Capt. R. P. Stewart, and seconded by Dr. Landale,—

"That with reference to the Government notice lately published, whereby it is directed that prisoners shall no longer be assigned in the towns, and in no case be assigned to domestic service, this meeting considers that the consequence of such regulation will be great and extensive inconvenience to all classes of colonists, without any public advantage as a compensation."

The seventh resolution was proposed by J. Leake, esq.—

"That the following memorial on the subject of the new regulations be addressed by this meeting to his Excellency the Lieutenant-governor, the same being signed by the chairman on behalf of this meeting.—*Vide* Memorial.

John Atkinson, esq., in seconding the resolution, said there was already much difficulty in procuring domestic servants, as was seen in the constant practice of turning ploughmen into cooks and other house-servants. What the colonists were to do then, when the new regulations came into practice, he could not tell, unless they were to cook their own dinners. He thought the colonists were called upon to remonstrate against the new regu-

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lations, for the local Government would hardly think of departing from their instructions without some expression of the public feeling on the subject.

The memorial was then carried unanimously.

The concluding resolution was moved by Captain Neilly, and seconded by Rev. S. Martin, and carried unanimously,—

"That a subscription be entered into to defray the expenses of printing and publishing the proceedings of this day, and to meet all the other expenses attending it. The receipts and disbursements of the amount so subscribed to be subsequently published."

This terminated the proceedings of the meeting. The thanks of the meeting were then voted to Mr. Archer in a very complimentary manner, and the meeting dispersed at about five o'clock.

— No. 7. —

(No. 18.)

No. 7.
Lord John Russell to Sir John Franklin, 24 October 1839.

COPY of a DESPATCH from Lord *John Russell* to Lieutenant-Governor Sir *John Franklin.*

Sir, Downing-street, 24 Oct. 1839.

I HAVE received your despatch, No. 91, of the 31st of May last, enclosing a memorial addressed to you by the free colonists inhabiting the northern division of the island of Van Diemen's Land, and which was adopted at a public meeting held at Launceston, on the subject of the proposed discontinuance of the assignment of convicts to be domestic servants; and I have to express my approval of the reply which you returned to that memorial. You very properly pointed out the distinction between the ends of punishment and those of colonization; a distinction which appears not to have been sufficiently kept in view by the memorialists.

I am, &c.

(signed) *J. Russell.*

— No. 8. —

(No. 28.)

No. 8.
Sir John Franklin to the Marquess of Normanby, 2 September 1839.

COPY of a DESPATCH from Lieutenant-Governor Sir *John Franklin* to the Marquess of *Normanby.*

Van Diemen's Land,

My Lord, Government House, 2 September 1839.

IN my despatch, No. 91, of the 31st May last, I transmitted a copy of a petition addressed to Her Majesty by colonists inhabiting the northern division of the island, praying the non-adoption "of any measure having for its object the abolishment of the system of transportation, coupled with assignment, as the national system of secondary punishment;" together with a copy of the reply I made to the committee appointed by the public meeting to present the same to me for the purpose of being forwarded. I have now the honour to enclose the original petition, and to request that your Lordship will be pleased to lay it before the Queen.

I have, &c.

(signed) *John Franklin.*

Enclosure in No. 8.

TO the QUEEN'S most Excellent MAJESTY.

The humble Petition of the Colonists inhabiting the Northern Division of the Island of *Van Diemen's Land*, in Public Meeting assembled, duly convened, Encl. in No. 8.

Most humbly setteth forth the following:

THAT your Majesty's petitioners have heard with concern that the Select Committee of the Commons House of Parliament, appointed to inquire into the system of transportation, have concluded their report with certain resolutions, of which the first is as follows:—"That transportation to New South Wales and Van Diemen's Land should be discontinued as soon as practicable."

That your Majesty's petitioners humbly beg to express it as their conscientious opinion that the resolutions of the Committee are, as respects this colony (for of New South Wales they cannot speak of their own knowledge), founded on evidence at once partial, incomplete, and in many instances wholly unfounded in fact.

That your Majesty's petitioners do not pretend to say which is the best system of secondary punishment for the mother country to adopt; but petitioners would humbly suggest, that upon a question upon which so many intelligent men have differed in opinion, the most grave and mature deliberation should be given to any proposals for a change in the existing system.

That whatever the comparative effects of the transportation system might appear to be, upon sufficient trial of other modes of secondary punishment, it is confidently believed that its positive results are widely different from those which the Select Committee have deduced from the incomplete, yet exaggerated evidence received by them.

That in particular, as respects the character of the free population of this colony, the effect which a large labouring convict population has had upon their social condition has been entirely misrepresented. As a body, the free settlers of Van Diemen's Land of the present day need not fear comparison with any other equal number of the Queen's subjects in any part of Her Majesty's dominions, whether as to humanity, as to good morals, or as to their attention to the ordinances of religion; indeed, it is believed that the very presence of a convict class, as to whom it is merely a rhetorical exaggeration to say that they are slaves, operates rather as a provocative to highly exemplary conduct than otherwise; their whole aspect, in fact, is that of a moral, religious, intelligent, active, and industrious community of Britons; and of the truth of this they challenge investigation.

That it were an absurdity to assert that vice does not exist among the convict classes; it exists to a very great and deplorable extent. But seeing the nature of this portion of the population, (which petitioners believe has too seldom been kept in mind, whereby much has been referred to the system which ought to have been referred to the original or inherent depravity of the convicts,) petitioners cannot but consider that a much greater extent of vice and crime might have been expected than what is really to be found among the convict classes.

That, indeed, while it is admitted that vice abounds, there are a vast number of instances, and the proportion of them is believed to be increasing daily, in which convicts, or men who have been such, have become sober and well-conducted, and not a few of them religious members of society.

That transportation, coupled with assignment, has now had the experience of nearly half a century, and from that experience the following results may be affirmed of it as either having taken place, or (under the correction of ascertained evils) being attainable for the future:—

Transportation removes the criminal, in the great mass of instances for ever, from the seat of his crime.

Assignment eases the state of the cost of maintenance and superintendence of criminals to a very great extent.

The convict, as he becomes free, finds himself in a society in which, though known as having been a prisoner, his past condition is not felt as an insupportable reproach to him; while he can obtain good wages for his labour, every convict, by the time he has arrived at his freedom, having attained an expertness in one or more of the various trades and callings useful in a young country,—a feature in the system of transportation that enables it to vie, at least as far as this point is in question, with the best-devised penitentiary systems of America.

The trasportation system is susceptible of every degree of necessary severity, while its adjunct, assignment, (which petitioners emphatically deny to be in the mass of cases a condition of hardship, but affirm it to be, on the contrary, one of great physical comfort,) need not be resorted to until, as indeed late regulations have directed, a probationary term of punishment should previously be gone through by the convict, in the service of the Government.

The want of adequate religious instruction has been the greatest fault of the transportation system in past years, yet perhaps no system offers a better opportunity for affording such

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such instruction in an effective manner. With their increase in wealth, religious observances have rapidly increased among the free settlers, and are daily spreading their healthy influence downwards, at little or no cost to the mother country.

That your Majesty's petitioners have thus glanced at features in the transportation system, which, as they submit, exhibit so many advantages which are attainable by its continued adoption, as to involve every received principle in a good scheme of secondary punishment; and they therefore confidently submit that the expediency of entirely changing the existing system for novel speculations in penal discipline, at no doubt immense cost to the parent country, must be considered as doubtful in the extreme.

That your Majesty's petitioners believe that they are benefited by the existing system. They do not desire to conceal this belief. They emigrated under the existing system; have embarked large capitals, and (by the aid of them and their industry) have acquired extensive property under it; it may be truly said under the faith of its continuance; they have laboured industriously, and endured in past times much hardship, and risked much danger under it; but the result is one which, if they wished, they could not conceal—unprecedented prosperity, as manifested in a large import and export trade, in the advantages resulting from which the mother country is a joint participator; in a highly improved territory, and large and flourishing towns and villages. They naturally do not desire to see their property shaken to its very foundation, by a change in the system of secondary punishment; operating powerfully, as that change would, on the supply of labour in the colony; more particularly as, from the limited extent of Crown lands available for sale, this colony, unlike the neighbouring provinces, has not the means of carrying on an extensive immigration of labourers. But petitioners rest their prayer, not only on the injury to them and their families, which any great and sudden change would entail, but on the danger which they think they can see resulting therefrom to important national interests.

Under all these circumstances, it is the humble prayer of petitioners that your Majesty will not sanction the adoption of any measure having for its object to abolish the system of transportation, coupled with assignment, as the national system of secondary punishment; or that, before introducing such measure, a commission of inquiry be first sent out to Van Diemen's Land, to ascertain upon undoubted evidence, on the spot, the exact moral and social condition of all classes in the colony.

And, as in duty bound, your Majesty's most humble petitioners will ever pray.

— No. 9.—

(No. 7.)

No. 9. Lord John Russell to Sir J. Franklin, 25 January 1840.

COPY of a DESPATCH from Lord *John Russell* to Lieutenant-Governor Sir *John Franklin*.

Sir, Downing-street, 25 January 1840.

I HAVE received your despatch, No. 28, of the 2d of September last, transmitting a petition addressed to the Queen by colonists inhabiting the northern division of Van Diemen's Land, praying the non-adoption "of any measure having for its object the abolishment of the system of transportation, coupled with assignment, as the national system of secondary punishment."

I have had the honour of laying the petition before the Queen, and Her Majesty was pleased toreceive the same very graciously.

I am, &c.

(signed) *J. Russell.*

— No. 10. —

(No. 157.)

No. 10. Sir John Franklin to Lord J. Russell, 18 November 1840.

EXTRACT of a DESPATCH from Lieutenant-Governor Sir *John Franklin* to Lord *John Russell*.

Van Diemen's Land, Government House, 18 November 1840.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 6th July last, No. 108 (page 1), conveying to me the decision of Her Majesty's Government in regard to the mode in which transportation is in future to be conducted,

conducted, and calling my attention to three several points in connexion with convict discipline. I beg to assure your Lordship that my best attention shall be devoted towards carrying out the objects Her Majesty's Government have in view.

It is however my duty to bring under your Lordship's notice a few points, which I conceive to be of so much importance to any system of convict discipline, that I trust I may be excused for requesting your Lordship's early attention to them, and your assistance in remedying the wants I am about to lay before you.

The first, and that most felt, is the almost total absence of a properly qualified class of persons to fill the situations of superintendents and overseers of the probationary gangs, For some time past, as your Lordship has already been made aware, immigration has almost entirely ceased to these shores, whereas many of our most useful people have emigrated to the new settlements in Australia and Port Phillip. In such a state of things it is found impossible to obtain persons to fill the situations I have named, that is, with proper regard to their being really useful in promoting the objects of convict discipline.

I will not enlarge on the necessity of having respectable persons to conduct the probationary gangs; it is so apparent, as I am assured at once to meet with your Lordship's concurrence ; and I would therefore propose for your sanction, that in future a certain number of free overseers and a superintendent should accompany each ship-load of convicts; these would become acquainted with the characters of the men under their charge during the voyage, and would accompany them on arrival into the unsettled districts ; the pay for the former class would be from 3*s.* to 3*s.* 6*d.* a day, and of the latter from 100*l.* to 120*l.* a year (both paid by the colony), and rations to each issued from convict stores ; they would also be provided with quarters.

It would be very desirable that these men should come out under written engagements, properly witnessed, to serve for a fixed period.

The persons most fitted for these appointments I have generally found to be retired serjeants and old soldiers ; and if such could be obtained, especially from the sappers and miners, or artillery, it would be of no ordinary advantage in working the system of convict discipline directed to be followed; in fact some such steps are essentially necessary if the views of Her Majesty's Government are to be efficiently carried out.

It is my duty also to represent to your Lordship, that deprived as the convicts in the probationary gangs will be of the offices of religion in the unsettled parts of the colony, it becomes imperative on the Government to afford these unfortunate men the blessings of religious instruction; and I therefore earnestly entreat your Lordship to take steps to send out three or four ministers of religion at once for this purpose. I say ministers of religion generally, because I feel that there may be some difficulty in obtaining the services of ordained clergymen of the Church of England. How far the Church Missionary Society, or the Colonial Church Society, may be able or willing to recommend any individuals for this purpose, I am not able to conjecture; but should these fail, or that ordained ministers of the Church of England respectably recommended do not present themselves to your Lordship's notice, I am led to believe that ministers of the Wesleyan persuasion may be had; and I feel it only due to that body to say that their services have been occasionally very valuable in this colony.

By working the convicts from England in the unsettled districts, and keeping Tasman's Peninsula for some time, at least, for convicts who have been a second time or oftener convicted, I hope to avoid the expense always attendant upon the formation of new settlements, and it is therefore not my intention at present to occupy King's Island.

The separate system, of the advantages of which I am fully sensible, is one of some difficulty, and indeed can never be fully carried out without the erection of large and expensive buildings. So far as the means at my disposal admit of, I will not fail to attend to your Lordship's commands, but I should wish to be

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favoured more specifically with your wishes as to whether places of confinement such as I have alluded to, in which the separate system can be fully carried out, should be erected.

In reference to your Lordship's observations respecting silence not being enforced by coercive means, such has never been done here excepting at work, and in marching to and from the stations.

The only other point upon which I have now to trouble your Lordship, is that of the disposal of the convicts on the expiration of their respective terms of labour in the probation gangs.

Should it be your Lordships' intention that the convicts after one to four years probation in the gangs, as the case may be, should at once obtain tickets of leave, then some alteration must be made in the Act of Parliament, which has hitherto limited the grant of such indulgences to certain specified periods.

But upon this supposition, I think it my duty to observe, that the transition from hard labour in unsettled and secluded districts to the comparative freedom and indulgence of a ticket of leave, which at once, within a prescribed district, enables the convict to make his means available in what manner he pleases, and on whatever terms he may think proper, is, in my opinion, too sudden, and fraught with great risk to the stability of the convict's conduct under his new temptations.

— No. 11. —

No. 11.
Sir John Franklin to Lord J. Russell, 23 November 1840.

(Separate.)

Copy of a DESPATCH from Lieutenant-Governor Sir *John Franklin* to Lord *John Russell.*

Van Diemen's Land, Government House,
My Lord, 23 November 1840.

On reference to my despatch, No. 157, of the 18th instant, in reply to your Lordship's under date 6th July last, No. 108, I find that I have omitted to bring under your especial consideration how very undesirable it is that convicts who have been transported to Norfolk Island from this colony for their crimes should be returned hither under the plan proposed in the communication alluded to.

The convicts to whom I now refer have not been sent to Norfolk Island until, from the nature of their crimes, repeated convictions, and the dangerous connexions they had formed in the settled districts, it was deemed to be necessary by the Judges and the Executive Council, for the peace of the colony, that the punishment of transportation should be literally carried into effect; the lives of many of these men had been more than once spared, and their characters generally desperate and irreclaimable.

Under these circumstances, I regard with great anxiety and doubt the result of any system involving the return of such men to their old haunts and connexions; and with the fact before me of the employment of large gangs of convicts in the unlocated districts of the colony, the small military force, and the mixed character of the population, I feel bound, in order to ensure a continuance of that safety of life and property which happily exists, to solicit your Lordship so far to limit the introduction of pardoned convicts into this colony as to prohibit any such being sent hither as have been transported from this territory.

I have, &c.

(signed) *John Franklin.*

— No. 12. —

(No. 211.)

COPY of a DESPATCH from Lord *John Russell* to Lieutenant-governor Sir *John Franklin.*

Sir, Downing-street, 14 May 1841.

No. 12. Lord John Russell to Sir J. Franklin, 14 May 1841.

I HAVE received your despatch marked "separate," of the 23d of November last, in which, with reference to my despatch No. 108, of the 6th July, you point out how undesirable it is, in your opinion, that convicts who may have been transported from Van Diemen's Land to Norfolk Island should be returned to the colony, under the arrangement proposed in the despatch to which you refer.

The description of convicts which I had in view in my despatch of the 6th of July, when I stated that convicts at Norfolk Island whose sentences were about to expire should immediately before the expiration of their term of punishment be sent to Van Diemen's Land, were not those persons who had been twice convicted; they were the convicts transported from England, and placed at Norfolk Island under the superintendence of Captain Maconochie.

I am unable to make any special provision for the refuse of the prisoners left at Norfolk Island; but, as I intimated to you in the same despatch, Norfolk Island will no longer be a place of transportation from New South Wales and Van Diemen's Land.

I am, &c.
(signed) *J. Russell.*

— No. 13. —

(No. 137.)

COPY of a DESPATCH from Lord *John Russell* to Lieutenant-governor Sir *John Franklin.*

Sir, Downing-street, 10 September 1840.

No. 13. Lord John Russell to Sir J. Franklin, 10 Sept. 1840.

WITH reference to my despatch, No. 108, of the 6th ultimo, I have now to intimate to you, that as transportation to New South Wales is at an end, and Norfolk Island and Tasman's Peninsula are, together with Bermuda, the places abroad in which confinement is hereafter to take place, it will be necessary that you should take immediate measures for the reception of a greater number of convicts at Tasman's Peninsula.

Omitting for the present all details, I transmit to you the accompanying copies of despatches which I have received from the Governor of New South Wales, enclosing copies of reports from Captain Maconochie, with reference to the measures to be adopted for carrying out the system of convict discipline to be tried at Norfolk Island, under the immediate superintendence of that officer, and I confine myself to these observations.

No. 28. 25 Feb., page 16.
No. 30. 27 Feb., page 28.
No. 33. 1 March, page 38.

1. The object to be first sought in punishment is example to society; by "aiming at reform almost exclusively," as Captain Maconochie recommends, we should cease to make the penalty of the law a punishment to evil-doers. If this principle were pushed to its full extent, it would lead to the most absurd results. A sheep-stealer, if he were established in a farm well stocked for him, would probably refrain from stealing sheep; but every other labourer in the land, seeing the mode in which crime had been rewarded, would be tempted to commit the same offence. Indulgences, libraries, and freedom from bars and bolts, partake of the same character, though not to the extreme extent of the case I have supposed; but they all tend to make what is called punishment only an addition to the existing temptations to crime.

2. It is intended that at a certain period the severity of the punishment should be relaxed; but this is to be done, for the first period, in separate establishments, such as Norfolk Island and Tasman's Peninsula, and not in the midst of society in New South Wales or Van Diemen's Land.

3. It is intended that Captain Maconochie should, under the Governor of New South Wales, carry on the system in Norfolk Island, but entirely unconnected with Tasman's Peninsula.

 4. I agree

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4. I agree with Captain Maconochie that while the prisoners are allowed to work their way back to society, they should be subject to some of its temptations; such temptations recur with double force when they have been entirely withheld and kept out of sight during the whole period of punishment and reform; but this plan must be adopted gradually, and with caution, otherwise it will lead to a signal failure.

5. The first stage of tickets-of-leave should keep the convicts in public employment; the convicts might receive wages and be worked in parties, not only in making roads, but in clearing lands, erecting buildings, making fences, and, in short, improving the Crown property for sale; they would at the same time be fitting themselves for the extended freedom of subsequent stages. I transmit to you two letters of Captain Montagu on this subject; I concur in the proposals made by him, except with regard to the first stage.

12 August 1840.
31 August 1840.

In the first and second I think the convict should be required to place a certain per-centage of his earnings in the savings banks of the colony, to be at his disposal when he reaches the highest or last stage.

I have transmitted copies of Sir G. Gipps' despatches, with Captain Maconochie's reports, to the Secretary of State for the Home Department, with a request that Lord Normanby would refer them to the Home Inspectors of Prisons, and to the Governor of Parkhurst Prison, for any observations or suggestions which they might have to offer on the subject.

6 August 1840.
1 Sept. 1840.

I send copies of their replies. In the next session of Parliament I shall introduce a Bill on this subject.

I have, &c.

(signed) *J. Russell.*

Enclosures in No. 13.

(No. 1.)

Sir, Leamington, 12 August 1840.

Encl. in No. 13.

I BEG to acknowledge your letter of the 8th instant, transmitting to me, by Lord John Russell's direction, the draft of a proposed instruction to the Lieutenant-Governor of Van Diemen's Land, with regard to the system of convict discipline to be adopted in that colony, upon which his Lordship has honoured me by requesting my observations or suggestions.

I concur entirely in the conclusions his Lordship has arrived at upon Captain Maconochie's scheme of "aiming at reform almost exclusively," and also, that "at a certain period the severity of punishment should be relaxed;" and I think that experiment will be better tested in separate establishments than in the midst of a colonial society; but I look with greater confidence to a favourable result from Tasman's Peninsula than Norfolk Island, because, for the reasons I had the honour to submit to Lord John Russell in October last, I consider the former the preferable locality, and also, because I apprehend Captain Maconochie's peculiarly indulgent notions of crime, and his mode of palliating it, together with his views on reform, and his unabated disregard of that grand requirement of society, the punishment of offenders for example's sake, will operate, unconsciously perhaps to himself, to prejudice the trial.

Under this impression, it is pleasing to learn that the system to be carried on in Norfolk Island will be entirely unconnected with Tasman's Peninsula; for if it had been confined to one spot, under Captain Maconochie's superintendence, it might fail from extraneous causes; and if it should, the failure would be improperly ascribed to defective inherent principles. Such an event will now, however, be avoided, and a fair experiment will, at all events, be secured for the system at Tasman's Peninsula.

I trust I may be excused for observing that I differ from Lord John Russell's proposition for making the first stage of tickets-of-leave resemble the social system, and I presume to do so, with great deference, in a practical point of view only, after many years experience in convict character and conduct.

I quite concur in the principle that prisoners, while working their way back to society, should be subject to some of its temptations, and, to a certain extent, I have seen that principle in operation for many years in Van Diemen's Land, although not carried out to the length it was susceptible of. The ticket-of-leave system was originally introduced with that intention, and although it was efficient enough in discipline, it certainly permitted the prisoner to enter too suddenly into scenes of temptation. But this defect had been long since remarked upon by some of the colonial authorities, and had been rectified in part by instructions from England. Lord John Russell's present intention is further to improve the system, and, by a different mode, render that class of prisoners more fitting for the extended freedom of subsequent stages. I have no doubt that his Lordship's intention is capable of being acted upon to some extent, and I shall rejoice to see such considerate views in operation, as I am persuaded that every measure which has a tendency, gradually, to create character

and

and self-respect in the minds of the prisoner population, by teaching them to withstand the temptations of their stations in life, is more likely to be durable than any sudden change of circumstances, and will be found to be the most humane course to that class, and most beneficial to society; but I am fearful that working it by the social system will produce unlooked for difficulties.

It is, perhaps, unnecessary for me to detail the grounds of my fears; most of them are to be found in the documents which were transmitted to the Secretary of State in Sir John Franklin's despatch on prison discipline in 1837, and were subsequently presented to Parliament by Lord John Russell; but I can undertake to assure his Lordship that Captain Maconochie's social system found no advocates in the colony, and was pronounced to be an impracticable scheme by every person whose opinion derived weight from experience and practice in the treatment of convicts; and I have reason to believe that Captain Maconochie himself became a convert when he was brought into closer contact with convicts than he had been when he wrote his theory.

For Sir J. Franklin's Depatch of 1837, *vide* Papers, ordered by the House of Commons to be printed, 26 April 1838, No. 309.

The fact is, that Captain Maconochie's principles for a new plan of convict discipline by the social system, were formed and published at a time when he was practically ignorant of the system he proposed to reform, and of the general sentiments of the convicts themselves in respect to rewards and punishments; and so universal and unequivocal was the condemnation of it by the public functionaries, the colonists, the whole of the colonial press, and the convicts themselves, that I should not be doing my duty to Lord John Russell were I to withhold from him my opinion that the experiment of it in Van Diemen's Land, with any class of convicts, will be attended with hazard and disappointment.

In addition to these observations, it appears to me that if the ticket-of-leave men are to be worked under the social system in making roads, clearing land, &c., they will not be placed in situations of greater temptation than they had been while employed in punishment parties, because, as they will necessarily be removed from communication with other society and the settled districts, they will have no greater trials to encounter than before.

But if their first stage placed them under moderate temptations, in approved employments in the settled districts, and their temptations were increased in subsequent stages, they would gradually be fitting themselves for greater freedom; and such a plan, I respectfully suggest, might be contrived, by graduating, to a very low degree, ascending by small degrees, the ticket-of-leave indulgence; in short, to allow freedom to be acquired by very small instalments, under regulations to be established for that purpose, and enforced by the department in charge of convicts; and such a plan would, I confidently believe, accomplish Lord John Russell's intentions on this point.

I have, &c.

R. Vernon Smith, Esq. (signed) *John Montagu.*
&c. &c. &c.

(No. 2.)

Sir, London, 31 August 1840.

In obedience to the desire of Lord John Russell, conveyed to me in your letter of the 26th instant, I have now the honour to submit, more in detail, the plan of convict discipline which I would propose for the ticket-of-leave prisoners in Van Diemen's Land.

In my letter of the 12th instant, I suggested that the instalments of indulgence in the ticket-of-leave system should be small, and that with each advance there should be increased temptation for the prisoner to encounter, so as to fit him gradually for the trials of perfect freedom.

To effect such an object, it appears to me essential that the path to be trodden should assimilate as nearly as practicable to the probable one each individual will pursue when free; and if this view be correct, it would be difficult, indeed impossible, to adhere to a particular form of temptation for every one, although I can perceive no difficulty in establishing a system from which deviations can be made to suit particular cases, without departing from its governing principle.

The periods allotted for prisoners to hold tickets-of-leave, in reference to their sentences, before acquiring freedom, should be clearly defined, in order that their advancement in the several stages of the indulgence be the acknowledged and certain rewards of merit.

With these remarks, I would suggest the following stages for the ticket-of-leave prisoners:—

1st. Stage. To be employed in the settled districts in any manner approved by the government, upon a rate of wages considerably below the average obtainable by free people, and account, satisfactorily for the expenditure thereof, on presenting themselves once in every fortnight to the police magistrate of the district.

2d. The rate of wages to be increased to the average of free people; but the accounting for the expenditure to be dispensed with, and the period of appearing before the police to be extended to six weeks.

3d. To be allowed to choose their own employers without requiring the approval of the government, but simply to report their engagements, be permitted to retain whatever wages they procure, and to appear before the police once in three months.

4th. To be allowed to set up in any business, or in any place, approved by he government, either for themselves or on account of others, and appear before the police once in six months.

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5th. To be allowed to select and change the place of residence, and to set up in any business for themselves or others, unconnected with the sale of spirits, without requiring the approval of the government, but to report both for its information, and appear before the police once a year.

6th. To be under no other restriction than to report themselves once a year to a police magistrate.

For the three first stages I would recommend that two-thirds of the whole period for holding a ticket-of-leave be appropriated in equal divisions, and the remaining third to the three last stages in equal divisions likewise; and in order that the ticket-holders should have a feeling of security in whatever periods may be determined upon, I would suggest that they should not be liable to any extension, excepting by the sentence of two concurring magistrates for the three first stages, and by the quarter sessions or supreme court for the three last stages of the indulgence.

It will, I have no doubt, occur to Lord John Russell that there are two objections to the plan proposed for the first and second classes of tickets-of-leave, in obliging the men to work for wages below the full value of their labour in the market. One is, that the forced reduction may tend to depreciate so materially the free labour as to deter the working classes from emigrating to the colony; the other is, that the government may be subjected to the imputation of partiality in its selection of employers: and if these objections are deemed of importance, they can be obviated by authorizing the men to receive the full value of their labour, and by requiring them to pay into the savings bank the excess they would in consequence obtain above the rates proposed for them. The sums so deposited should, I think, be repaid to the men upon their obtaining the fourth class ticket-of-leave,—a measure which would create an additional stimulus to good conduct during their progress through the previous stages.

I have, &c.

R. Vernon Smith, Esq. M. P. (signed) *John Montagu.*
&c. &c. &c.

(No. 3.)

Sir, Whitehall, 6 August 1840.

With reference to your letter of the 23d ultimo, transmitting copies of certain despatches received from the Governor of New South Wales relative to convict discipline in Norfolk Island, I am directed by the Marquess of Normanby to transmit to you, for the purpose of being laid before Lord John Russell, observations which have been made on the despatches above-mentioned, by the governor of Parkhurst Prison.

I am, &c.

James Stephen, Esq. (signed) *S. M. Phillipps.*
&c. &c. &c.

Sir, Parkhurst Prison, 3 August 1840.

In compliance with the instructions contained in your letter of the 25th July, that I should furnish the Marquess of Normanby with any remarks or suggestions I might have to offer on certain despatches therein inclosed, and received from the Governor of New South Wales, relative to convict discipline at Norfolk Island, I now forward the accompanying memoranda; and in so doing, I would respectfully state, that from the little experience I have had on the general question of convict discipline, I feel great diffidence in expressing any opinion on the subject. I would further add, that since I have been connected with the criminal department, my attention has been exclusively devoted to the treatment of juvenile offenders in a reformatory prison, a question rendered distinct from the treatment of adult transports in a penal colony, not only by the widely differing conditions of youth and manhood, but by the various collateral circumstances attendant on the two estates.

I am, &c.

S. M. Phillipps, Esq. (signed) *Robt. Woollcombe,* Governor.
&c. &c. &c.

Remarks and Suggestions by the Governor of Parkhurst Prison, as requested by Secretary of State's Letter of the 25th July 1840, on certain Despatches from the Governor of *New South Wales,* relative to Convict Discipline at *Norfolk Island.*

Enclosure 1, in No. 11 (page 18).—Containing, "Memorandum on the Assistance that would be desirable in order to give full developement to the Principles of Social Management in a large Insular Establishment."

From this paper it appears, that Captain Maconochie advocates what he terms the "social management of prisoners," as a system, in preference to coerced labour, under the stimulus

stimulus of either fear or confinement; and he grounds this preference on the presumption that such a system of free labour must eventually prove, not only most productive, but also most economical, and to be obtained with a less amount of direct superintendence.

The experience obtained at Parkhurst Prison in the establishment of a new system of prison discipline for juvenile offenders, has already afforded striking evidence (to be gathered from the records of the establishment) that criminals of the most difficult class to manage, viz. boys devoid of all consideration, and sunk in ignorance as well as vice, are to be more easily convinced of their past misconduct, and led out of their former bad habits, by Christian instruction and mild treatment, than by severity; and that at the commencement of any new system of discipline the most liberal allowance of intelligent superintendence should be afforded; for until principles become operative on the mass, which under good government should eventually leaven itself, the entire process remains one of agencies.

Captain Maconochie is of opinion that the number of clergymen should be much greater in a reformatory establishment, than in one merely primitive; by which expression it is presumed he means, the commencement of his out-door social management, previous to which he supposes every prisoner to have passed through a probationary course of separate confinement under active spiritual instruction, on an average to the extent of four months, and concludes that the proportion of one clergyman to every 1,000 prisoners will be sufficient (both social and separate classes inclusive). Every clergyman would thus appear to have, as it were, a double charge, the general superintendence of 900 prisoners (Sunday and week days), and the special daily instruction of 100, separately confined. Considering that every prisoner, so long as he remains an unconverted character, is in reality a practical heathen, and that his sincere conversion to, and abiding by Christian principles, forms the only sound basis on which a social community can be raised out of a criminal population, with any prospect of permanent prosperity, the proposed number of one minister to every thousand souls may not prove adequate to the necessity; especially as it is admitted that the great majority of criminals at their conviction are in state of decided mental, as well as spiritual, ignorance.

Enclosure 2, in No. 11 (page 19).—Containing, "Memorandum on the Sale of Marks for present Indulgences."

Sir George Gipps, in his letter addressed to Lord John Russell, and attached to the documents now under consideration, having therein stated that Captain Maconochie's wish to sell indulgences to the prisoners, in exchange for marks of approbation, is not in accordance with the views of Her Majesty's Government, inasmuch as it would seem to be the intention that no transported felon should, during the period of at least two years, receive any indulgence whatever, no comment on this proposition is offered.

Enclosure 3, in No. 11 (page 20).—Containing, "Memorandum on Remission of Punishments."

The principle here proposed by Captain Maconochie, of permitting a transport to emancipate himself from punishment by the mark system, such marks being attainable by what Captain Maconochie terms good conduct, but which, practically, will be more probably obtained through the agency of quick talents and mechanical skill,* need be most carefully exercised, or it would appear to favour the clever delinquent, and place the less gifted, who possibly might also be the less guilty, in the worst position of the two, without reference to their original offences or sentences, the latter of which ought not to be disturbed by circumstances incidental to the capacities of the individual, and bearing no relation, except indeed in aggravation, to his degree of guilt.

In the proposition of breaking the period of punishment into defined stages (always providing for separate confinement at night), through each of which stages every transport should pass before liberated, there appears much which might be beneficial and salutary; but even this arrangement does not appear to altogether obviate the possible, if not probable, inexpediency and injustice of providing the accomplished rogue with the power of demanding his freedom at the expiration of a shorter period of time than his less talented fellow prisoner. Again, as remarked by Sir George Gipps, the power of affixing good or bad marks, which, in practice, must be exercised by subordinate agents, is in itself a power, not only of remitting, but also of aggravating punishment.

It appears to be the general opinion of all persons conversant with the treatment of criminals, that free pardon, or even remission of any portion of the sentence awarded, has been productive of much evil, by lessening the authority of the law in its deterring character; in the ratio that capital punishment is diminished, should the certainty of secondary penalties be definitively fixed, both as to award and infliction.

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* In line eight, of the eighth paragraph, Enclosure 7 in No. 11, are the terms substantial labour and service, as the means by which the marks are to be gained.

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Enclosure 4, in No. 11 (page 21).—Containing, "Memorandum on the Formation of a Library at *Norfolk Island*."

Crime being a moral delinquency, and brought into action through the absence of religious and moral principles, every available effort should be made in the case of criminals, both for their own sakes and that of society, to awaken and develope the better feelings of humanity, which, though dormant in most, in few, very few cases are extinct. The recommendations in this paper appear founded on a true estimate of human character, and, if generally brought into practice through the different stages of confinement, both previous and subsequent to conviction, might be productive of great results. Whether it would be profitable to admit so wide a range of books as proposed, might be a question. The proposition of establishing a fund by the voluntary subscription of marks, taken at their current value, for the maintenance and increase of a prisoner's library, might create a sound test of their desire to improve themselves, and prove in many ways beneficial.

The eagerness with which books are sought by the juvenile prisoners in Parkhurst Prison exceeds belief; and the effect produced by their being provided, sufficiently expressed by the following anecdote:

The governor and chaplain of the prison were for a long time at a loss how best to provide for those hours of intermission from direct instruction in school and chapel on the Sunday, which are necessary for health, and which it was desirable so to regulate as to mark a difference between the Sabbath and other days of the week.

Undue restraint only created as great an evil as it was desirable to avoid.

It occurred to the governor to distribute a considerable number of appropriate little books among the boys, which they might read, or otherwise, during these broken periods; they were not even told to be careful of them, or that they were to be returned. The result was most gratifying; all were soon in groups, either as readers or listeners. In the evening, when asked for, the books, without exception, were all returned free from dirt or mutilation. This plan is now pursued on every Sunday; it is esteemed as a great privilege by the prisoners; and thus order and improvement have been combined, together with a proper and cheerful observance of the day.

Captain Maconochie's suggestion of forming a library implies an educated body of prisoners. Will convicted adults, of that class to be sent to Norfolk Island, be found in that condition on their arrival, or will four or five months' probationary instruction enable many to use books with advantage, either for information or amusement? If not, the establishment of adult schools, on a voluntary principle of attendance, might be adopted simultaneously with the commencement of the social experiment; and in aid of such schools premiums be offered to schoolmasters to emigrate from this country for their management. The colony would soon provide itself with masters; but it might not be advisable at first to permit prisoners to conduct the schools, however well qualified.

Enclosure 5, in No. 11 (page 23).—Containing, "Memorandum on the Expediency of cultivating a Taste for Music in Prisoners."

The effect of singing has been found to be powerful and most salutary among the prisoners at Parkhurst. The first symptoms of mental developement are frequently elicited in the singing class, in which all are placed without reference to taste or musical powers.

The heavy indifference to instruction of any kind, which at first frequently manifests itself among criminal boys, often gives way to harmony; and by its instrumentality the mind and feelings are, as it were, insensibly allured into activity; and pleasurable sensations once experienced, from tuition of any kind, almost invariably stimulate the mind to other efforts.

Enclosure 6, in No. 11 (page 23).—Being "On the Expediency of sending Female and Juvenile Convicts to the same General Establishment with Male Adults."

In this paper Captain Maconochie recommends associating men, women, and children together for reformatory training, but does not state his detail. Respecting the reception of women, much may possibly be advanced on both sides of the question; but as to boys being mixed with adult transports, excepting under the most pressing necessities, every consideration of their peculiar circumstances seems to forbid such a system. In order to form a just estimate of the means most likely to produce a beneficial change on different human characters, we should analyze the elements to be acted on, before it can be determined what each may require.

In the present case these elements are manhood and youth. The probability is, that the adult transport is a man in crime, as well as in years; his passions in full developement, ungoverned, and as fixed as habit can make them. It may be presumed that, in most cases, he has not fallen a victim to sudden impulse, or to more experienced associates, but has stood in society willingly dependent on plunder for his maintenance, and fully prepared for either

either individual or combined infraction of the law; in short, a responsible and finished agent for evil in himself.

But how stands the child of tender years, say from 9 to 14, in reference to their several circumstances? The criminal infant, (for so it is proposed to legally consider the convicted youth under 21 years of age, by the Bill introduced in the Lords by the Chancellor, for the care and education of infants who may be convicted of felony,) may be, and in the large majority of cases is found to have been, the victim of neglect by wicked parents, very frequently of destitution, and invariably of some one of those many accidents of life to which youth is subject, and out of which crime, with its consequences, may have arisen without the attachment of moral guilt, as determined by free agency and individual responsibility. And with a view to the reformation of these two parties, so widely differing from each other, Captain Maconochie proposes their association together in the same general establishment; the boy naturally watching the elder criminal's example, and he, the adult, being so provided with a ready instrument for mischief, if still inclined to villany.

Is it not, then, more wise and prudent to completely separate these classes while under penal discipline and instruction, rather than to associate them under any regulations, which, however guarded, must incur some risk of continued contamination, with the chance only of a problematic good?

Captain Maconochie, in support of this proposal of associating men, women, and children, together in a penal colony, assumes that the family, consisting of husband, wife, and child, is the cradle of order and morality. In the future generations of a colony, first established by penal settlement, such might be the case, because the connexions would then be natural; but to suppose that criminal men, women, and children, wholly unconnected by any previous ties, and only congregated in consequence of their vices, could, by any possible training, be converted into a family, so that, as Captain Maconochie expresses himself, "all would thus benefit by the presence of all," appears visionary and improbable.

The opinion of the Home Inspectors of Prisons, Messrs. Crawford and Russell, "that it is impossible to combine a good juvenile with an adult system of discipline," is confirmed by the experience of all who have been practically engaged in the question. It is believed by the writer of these remarks, that until the two questions of adult and juvenile prison discipline are recognized and treated as wholly distinct from each other, both in principle and detail, no satisfactory results in either will be obtained.

The Parkhurst experiment will shortly be sufficiently proved to mark its success or failure, and when provided with an outlet for its inmates, so as to secure to them some new field on which to settle, free from their old associations, it is hoped this establishment will prove the economy, as well as expediency, of arresting juvenile crime at its earliest stages; it being self-evident that the true interest of society consists in not permitting the juvenile delinquent to grow up into the confirmed felon, and thus to tax the public, first, by plunder, and subsequently for maintenance and safe custody from infancy to age, when, by a timely and sound interference, he may be saved, and become useful in his after-life.

Enclosure 7, in No. 11 (page 24).—Referring to "Memorandum suggested by Lord John Russell's, Lord Howick's, and Sir Richard Bourke's several Minutes on Transportation."

This enclosure being in reference to papers not in the possession of the Governor of Parkhurst Prison, and to local statistics of which he has no knowledge, no remarks are offered on its contents.

The remaining papers of the despatch refer exclusively to matters of local detail connected with Norfolk Island and Australia, and, for the reason above stated, are not commented on.

(No. 4.)

Sir, Whitehall, 1 September 1840.

I am directed by the Marquess of Normanby to transmit to you, for the information of Lord John Russell, the enclosed copy of a report from the Inspectors of Prisons, respecting Captain Maconochie's proposed system of convict discipline in Norfolk Island.

I am, &c.

James Stephen, Esq. &c. &c. &c. (signed) *S. M. Phillipps.*

Sir, Raymond Buildings, 11 August 1840.

We beg to acknowledge the receipt of your letter, dated the 25th ultimo, transmitting, by direction of the Marquess of Normanby, a copy of a despatch from the Governor of New South Wales relative to convict discipline in Norfolk Island, and desiring us to furnish his Lordship with any remarks or suggestions which we may have to offer thereon.

VAN DIEMEN'S LAND.

In reply we beg to state, that having given our best consideration to the papers now transmitted to us, the documents which have been lately laid before Parliament on the treatment of convicts, and the publications of Captain Maconochie on the subject, we are of opinion that the plan which has been recommended by that officer is open to very serious objections; that it is founded on theoretical views of the character of convicts, and mistaken principles of criminal punishments; and that it will be very far from being productive of the beneficial results which Captain Maconochie so confidently anticipates.

We do not conceive, from the terms of your letter, that Lord Normanby requires us to enter fully into the reasons on which the unfavourable opinion which we entertain of Captain Maconochie's plan has been formed, a course which would render necessary a lengthened and elaborate report. We refrain from this the more especially as it has been already determined to make an experiment of the plan at Norfolk Island, and as Captain Maconochie must by this time have made some progress in carrying it into effect. We are, however, quite prepared to enter fully into the subject, should Lord Normanby desire it.

We are, &c.

(signed) *William Crawford,*
Whitworth Russell, Inspectors of Prisons.

S. M. Phillipps, Esq.
&c. &c. &c.

— No. 14.—

No. 14.
Sir J. Franklin to Lord John Russell, 12 January 1841.

(No. 7.)

COPY of a DESPATCH from Lieutenant-Governor Sir *John Franklin* to Lord *John Russell.*

Government House, Van Diemen's Land,
12 January 1841.

My Lord,

IN reference to your Lordship's instructions that convicts who may in future arrive in this colony shall be worked in gangs in the unsettled districts, I have the honour to report that, until time shall have been afforded to get up the requisite buildings, I shall be obliged, as I already have been in the case of the convicts by the Egyptian, to station them in such localities as are distant from towns, very thinly settled, where buildings are already prepared, where there are no public-houses, and which are distant from the main line of road, upon which I shall not, of course, place any of these convicts.

It is proper that I should inform your Lordship that it will be some time before proper accommodation can be got ready in the unsettled districts, the communications with which are not yet opened; to these passable roads must be cut before supplies and stores can be established; and when upon this point, I should apprize your Lordship that the commissariat expenses for transport and the charges for rations will of course be heavier in the unsettled than in the settled districts.

With the view of carrying the wishes of Her Majesty's Government into effect, I embark this day for Port Arthur, to make my annual inspection, and to fix upon the site of a station for newly-arrived convicts, whom I intend to be engaged in agricultural labour; I shall report the result of my visit for your Lordship's information.

I have also detached a party to explore the country between Marlborough, on the western boundary of the Hamilton police district, in the county of Cumberland, and Macquarie Harbour; and it is my intention, so soon as a bridle-path is cut (which will probably be during the ensuing month), to proceed along the line myself.

I am led to expect that Macquarie Harbour may be speedily got ready for a probationary gang, as I hear that some of the old buildings are yet standing. My intention is to station large gangs at that point and Marlborough, to work towards each other. As a land communication will thus be ensured, the inconvenience reported upon by a board, and which chiefly led to the abandonment of Macquarie Harbour as a penal settlement in 1833, will no longer exist, and a valuable new line of country will be opened to enterprize, and the three ports of the colony become connected.

The expense of this exploration, I have, with the advice of my Council, caused to be charged on the land fund.

In

CHART
of
FORESTIERS AND TASMANS PENINSULAS.
Van Diemens Land.

Reference.

Signal Stations. Constables Stations

Scale of Miles. 1 2 3 4 5

C. Paul Lamanon
High Bluff Rock.
North Bay
Sandy Beach
Lagoon
Lagoon
High Rocky I.
EAST BAY
Blackman Bay
Large Pebbles
East Bay Neck
Blackman R.
High Perpendicular Rocky Coast.
Mt Collins
FORESTIERS
PENINSULA
King George Sound
King George I.
Garden I.
Long Pt
Lime Bay
C. Surville
Rocks.
Lagoon
Sandy Beach
Stewarts Hill
Ironstone Pt
A boat may land here.
Rock
Military Station
Eagle Hawk Nick
Pirates Bay.
The anchorage is not good here the swell being generally heavy
Low Rocks
One Tree Pt
Eagle Hawk Bay
Coal Mines
NORFOLK
BAY
North West Beach
Lagoon
Lagoon
Lagoon
Coal Bluff
Sympathy Pt
Reef
Woody I
Blowhole
Halfway Bluff
Coal
Pebbly Beach
Lagoon
Newmans Retreat
Road Port Hut
Signal Hill
Beld Coast
Hyppolyte Rocks
Boat Harbour
Mt Communication
Yellow Rk
TASMANS PENINSULA
Lagoon
One tree hill
Burnett Harb
Roaring Beach
North Head
Wedge Bay
Lagoon
Canoe Bay
Fortesque Bay
Rock
Cape Hauy
Very bold rocky Coast.
Long Bay
Sandy B
Garden Pt
Denman B
Stewart B.
Russell Cove
Penal Settlement
Tides Mark
Point Puer
Surveyors B
Lagoon
Wedge I.
Castle Rk
Russell River
Water Bay River
McArthur
PORT
ARTHUR.
Safety Cove
Lagoon
Arthur Pk
Trumpeter B
Bold Rocky Shore
C Pillar
Simmons Bay
Lagoon
Brown Mt
Holt Mc Kay B
Black Rk
Passage for small vessels
Tasman I.
Vis. 12 leagues
Basaltic Pillar
Three Bay Beach
Echo Schooner wrecked 23 Aug. 1840
Tunnel B.
Rocks
Carnesily Beach
Perpendicular rocky coast
MAINGON BAY
Lagoon
C. Raoul
Basaltic Pillar

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John Arrowsmith, Lith.

James & Luke J Hansard, Printers.

VAN DIEMEN'S LAND.

In reference to the instructions which I have received respecting convict discipline generally, I beg to assure your Lordship of the interest I take in their being successfully carried out; my best efforts will be directed towards such object; and at present I do not contemplate any difficulty in convicts being sent hither to any extent, without incurring delay in forming a penal settlement at King's Island, and the unavoidably heavy expense which would be consequent thereupon.

I have, &c.
(signed) *John Franklin.*

— No. 15. —

No. 15.
Lord John Russell to Sir J. Franklin, 30 July 1841.

(No. 272.)

COPY of a DESPATCH from Lord *John Russell* to Lieutenant-Governor Sir *John Franklin.*

Sir, Downing-street, 30 July 1841.

I HAVE received your despatch, No. 7, of the 12th January last, reporting the measures which you were about to adopt for giving effect to the system proposed of working convicts, on their first arrival, in gangs, in the unsettled districts of the colony; and, having consulted with the Secretary of State for the Home Department, I have now to acquaint you that Her Majesty's Government approve of those arrangements.

I am, &c.
(signed) *J. Russell.*

— No. 16. —

No. 16.
Sir J. Franklin to Lord John Russell, 19 January 1841.

(No. 14.)

COPY of a DESPATCH from Lieutenant-Governor Sir *John Franklin* to Lord *John Russell.*

Van Diemen's Land, Government House,
My Lord, 19 January 1841.

I HAVE the honour to report having visited the various establishments on Tasman's Peninsula, and have much pleasure in assuring your Lordship that penal discipline is improving in every particular, but especially in that branch dedicated to the boys at Point Puer.

I enclose copy of a letter which I have caused to be addressed to Captain Booth, by my colonial secretary, which fully explains my views in relation to my inspection; and I will only, therefore, now solicit your Lordship's attention to a few remarks, and to the Returns, as per margin, which will best tend to show the general distribution and state of the settlements.

12 January 1841.

I have fixed upon a site for the convicts who may arrive from England, and the station is in course of preparation; they will be effectually cut off from all communication with the convicts under colonial sentence. It is well situated, and the soil of the richest kind. Here I purpose establishing agricultural, and therefore productive, labour; and I have no doubt that, in a few years, no wheat will be required from the general supplies for the service of the convicts on the peninsula.

Vide spot marked (A) on the Plan.

From the reports I have received, I am inclined to think that not less than 2,000 acres of superior land surround the spot I have selected for this station.

I shall steadily keep in view your Lordship's instructions, as conveyed in your despatch to Sir George Gipps.

In regard, however, to the separate system, I am bound to inform your Lordship, that some time must elapse before it can be wholly established, with the present

VAN DIEMEN'S LAND.

means of the colony, but I will introduce it as speedily and as generally as possible, commencing with the boy establishments and probation gangs; to carry out fully the separate and penitentiary systems, at once, even were the means at my command, would involve an outlay which I cannot contemplate Her Majesty's Government sanctioning.

It now only remains for me to bring the merits of the commandant under your Lordship's most favourable consideration.

Captain Booth has upon all occasions devoted himself towards the carrying out the instructions of the local government, and has been mainly instrumental in establishing the excellent system of convict discipline that is now in force on Tasman's Peninsula; he has during a period of eight years given up his whole time to this object, and I am afraid much impaired his constitution from more than once having encountered great privations and personal suffering from being lost in the bush. He has left the army, is married, and has only 300*l.* a year salary with rations.

Your Lordship will perceive that I have authorized the commandant receiving the usual forage allowance, and I confidently solicit your Lordship to sanction the increase of his salary from 300 *l.* to 500 *l.* per annum, not less on Captain Booth's account, than in reference to the increased and increasing duties required from him, under the plan of newly arrived convicts being sent to Tasman's Peninsula, and the expenses to which he is unavoidably put by officers of the Government and strangers visiting the settlement, who are necessarily entertained by him.

These visits I have found to tend materially to improve the character of the settlement, and in many other ways to be productive of real advantage.

I have, &c.
(signed) *John Franklin.*

Enclosure 1, in No. 16.

Colonial Secretary's Office,
12 January 1841.

Sir,

Encl. 1, in No. 16. The Lieutenant-governor having completed his inspection of the different stations under your direction on Tasman's Peninsula, has desired me to convey to you the assurance of his Excellency's satisfaction with the state in which he found the various establishments, the discipline of the convicts, and especially with the visible improvement which has taken place in the settlements at Port Arthur and Point Puer.

In making this communication, I am to express to you that the Lieutenant-governor is perfectly sensible that unless you had devoted yourself with unwearied zeal towards carrying out the views of the local government, the results of the system of discipline established under your superintendence would not have been thus satisfactory; and I am at the same time to request your attention to some improvements which the Lieutenant-governor considers will yet further advance the discipline of the convicts entrusted to your care.

1. At the Coal Mines: The Lieutenant-governor looked very narrowly into the causes which have led to the increase of absconding from that settlement, and is of opinion that it has been induced principally from a want of responsible persons, overseers or constables, to establish an effectual supervision, by more frequently visiting, at uncertain periods, the different parties at their several places of detached labour.

His Excellency would be glad to be favoured with your opinion as to the number and description of persons required, and the rate of pay you would recommend to be allowed them.

2. The Lieutenant-governor having personally visited and approved the locality proposed by you as the site of an establishment for probationary gangs upon their first arrival from England, I am to request your earliest attention to the preparation of temporary accommodation for such convicts, who will amount to about 200 in the first instance.

The intention of his Excellency is, that permanent buildings, to carry on the system of discipline on the separate system, shall be subsequently erected; that being the plan approved of by Her Majesty's Government.

His

His Excellency has pointed out to you the place at which the settlement is to be made, and whatever temporary buildings you may erect are to be placed in reference to the ulterior object I have now alluded to.

The Lieutenant-governor would be glad to know what salary you would recommend for the superintendent of this new station, and what number of overseers, constables, &c. will be desirable.

3. In reference to the station at Eagle Hawk Neck, the Lieutenant-governor thinks that the dogs across the neck are not sufficiently numerous.

4. His Excellency desires me to say, that it has given him much pleasure to see the increased efficiency of the boys learning trades at Point Puer, and that he would wish to be informed whether the services of a free person, well acquainted with boat-building, might not be engaged with advantage, not only to bring up boys to that trade, but to economy, by the building and repair of boats for the service of the marine department.

The Lieutenant-governor is also desirous that some promising boys should be brought up to the higher branches of gardening, such as grafting, budding, &c.

But I am especially to request your particular attention to the absolute necessity of introducing "the separate system" generally, but at Point Puer with the least possible delay.

Her Majesty's Government has determined, "that of all systems of imprisonment, that which is called the separate system is the most efficacious and complete;" and you will therefore at once perceive the necessity of carrying out this principle by all possible means, both with reference to any new buildings which may be erected, or are in course of erection, and in the division of those already existing.

I am to add, that the Secretary of State has also intimated his opinion that it is not advisable, when associated labour is adopted, to attempt to enforce by coercive means perpetual silence, such attempts never being successful, while they provoke and irritate the criminal.

Silence as a means of discipline, however, in marching gangs to and fro, may be properly enjoined and enforced.

5. His Excellency has considered the subject, as brought before him at Port Arthur, of a catechist being added to the establishment at the Coal Mines.

Being satisfied of the impossibility of one minister being able to perform the duties required for the whole peninsula, he has approved of some person, of whose piety and discretion he shall be assured, receiving such appointment, to be resident in the first instance at the mines, but subsequently at the adjacent locality determined upon for the probationary gangs, and who will perform the duties of both stations.

6. The Lieutenant-governor desires your attention to the fact, that hereafter, Norfolk Island being closed against the worst description of criminals being sent thither, as has hitherto been the case, it becomes doubly necessary that you should consider every possible means of preventing escape into the settled districts; in his Excellency's opinion, and judging from late events, increased means are absolutely required. He will therefore be glad to have your views as to the best means of accomplishing this object, merely observing, that it appears to him that East Bay Neck and the coast opposite the Coal Mines should be guarded.

7. I am to beg that you will lose no time in proceeding with the erection of a water-mill at Port Arthur for grinding corn, as already instructed.

8. The Lieutenant-governor feeling convinced of the advantage to be derived from your personal inspection of all the details of the several stations on the Peninsula, has been pleased to authorize your receiving the usual allowance for forage from the 7th July last; and in reference to your application of the 30th May last for an increase of salary, and to my reply thereto, his Excellency will now strongly recommend to the Secretary of State that your salary be increased to 500*l.* per annum.

I have, &c.

C. O'H. Booth, Esq.
&c. &c. &c.

(signed) *M. Forster.*

Enclosure 2, in No. 16.

(No. 1.)

HALF YEARLY REPORT of the School Establishment and Moral Conduct of the Prisoners at *Port Arthur* and *Coal Mines, Tasman's Peninsula*, ending 31 May 1839.

Evening School, Port Arthur.

Divisions.	Classes.								Numbers compared.							Admitted.				Expelled.		Cost.
									Total Number in School.							Boys.		Adults.				
	1st Class.	2d Class.	3d Class.	4th Class.	5th Class.	6th Class.	7th Class.	Total Number in Classes.	Teachers.	Boys.	Adults.	Total.	Last Report.	Increase.	Decrease.	Who could Read.	Who could not Write.	Who could Read.	Who could not Read.	Boys.	Adults.	
Reading - -	12	12	12	10	14	8	10	78	–	–	–	–	–	–	–	–	–	–	–	–	–	
Writing - -	12	12	12	12	10	9	10	77	6	33	48	87	85	2	–	4	–	12	7	–	–	
Arithmetic - -	10	11	12	8	–	–	–	41	–	–	–	–	–	–	–	–	–	–	–	–	–	

Evening School, Coal Mines.

DIVISIONS.	CLASSES.				NUMBERS COMPARED.						ADMITTED.	EXPELLED.
					Total Number in School.							
	1st Class.	2d Class.	3d Class.	Total Number in Classes.	Teachers.	Adults.	Total.	Last Report.	Increase.	Decrease.	Adults.	
Reading - -	9	11	7	–	–	–	–	School newly formed.	–	–	—	—
Writing - -	9	11	2	–	1	27	28		–	–	—	—
Arithmetic - -	9	11	–	–	–	–	–		–	–	—	—

N. B.—The numbers in classes do not correspond with the numbers compared, because some are reading and writing, some writing and ciphering, and some only reading, consequently they are reckoned in each division.

Day School, Port Arthur:

Military Department, children - - - - 2
Civil Department - ditto - - - - 12 } 14
Total number of persons attending the schools - - 101

Day School, Coal Mines:

Military Department, children - - - - 2
Civil Department - ditto - - - - 3 } 5
Total number of persons attending the schools - - 33

Total number of persons attending the schools at Port Arthur and Coal Mines, 134.

Remarks.—In the day-school, the children have made considerable progress in their learning. In the evening-school, both men and boys are regular in their attendance, attentive to their duties, improving in their learning, and exemplary in their conduct.

At the Coal Mines, the men have made great progress in their learning, and the commanding officer certifies that no complaint has been exhibited at the police-office against any of the prisoners who attend the evening-school, since its formation up to the present date. The number of adults at Port Arthur is 500; at the Coal Mines, 179; therefore the proportion is 5 to 3 in 30 in favour of the Coal Mines.

(signed) *John Weatherston*, Chaplain.

HALF YEARLY REPORT of the School Establishment and Moral Conduct of the Prisoners at *Port Arthur* and *Coal Mines, Tasman's Peninsula*, ending 30 November 1839.

Evening School, Port Arthur.

DIVISIONS.	CLASSES.								NUMBERS COMPARED.							ADMITTED.				Expelled.		COST.
									Total Number in School.							Boys.		Adults.				
	1st Class.	2d Class.	3d Class.	4th Class.	5th Class.	6th Class.	7th Class.	Total Number in Classes.	Teachers.	Boys.	Adults.	Total.	Last Report.	Increase.	Decrease.	Who could Read.	Who could not Read.	Who could Read.	Who could not Read.	Boys.	Adults.	
Reading - -	12	10	12	–	–	–	7	53	–	–	–	–	–	–	–	–	–	–	–	–	–	—
Writing - -	12	10	12	12	14	12	–	72	7	36	43	86	87	–	1	6	–	33	1	–	–	—
Arithmetic - -	12	12	12	10	12	–	–	58	–	–	–	–	–	–	–	–	–	–	–	–	–	—

Evening School, Coal Mines.

DIVISIONS.	CLASSES.				NUMBERS COMPARED.						ADMITTED.	
					Total Number in School.							
	1st Class.	2d Class.	3d Class.	Total Number in Classes.	Teachers.	Adults.	Total.	Last Report.	Increase.	Decrease.	Adults who could Read.	Adults who could not Read.
Reading - -	8	11	4	23	–	–	–	–	–	–	—	—
Writing - -	8	11	–	19	1	23	24	28	–	4	—	—
Arithmetic - -	8	11	–	19	–	–	–	–	–	–	—	—

N. B.—The numbers in classes do not correspond with the numbers compared, because some are reading and writing, some writing and ciphering, and some only reading, consequently they are reckoned in each division.

Day School, Port Arthur:

Military Department, children - - - - - -	—
Civil Department - ditto - - - - - -	8
Total number of persons attending the schools - -	94

Day School, Coal Mines:

Military Department, children - - - -	3
Civil Department - ditto - - - -	3
	6
Total number of persons attending the schools - -	30

Total number of persons attending the schools, Port Arthur and Coal Mines, 124.

Remarks.—In the day-schools the children are making progress in their learning; in the evening-schools the improvement made by the parties generally in reading, writing and arithmetic is very apparent; their conduct is steady and orderly. Some, it is believed, are the subjects of religious impressions, which it is to be hoped will result in their conversion to God.

(signed) *John Weatherston*, Chaplain.

HALF YEARLY REPORT of the School Establishment, and Moral Conduct of the Prisoners, at *Port Arthur* and *Coal Mines, Tasman's Peninsula,* ending 31 May 1840.

Evening School, Port Arthur.

DIVISIONS.	CLASSES.								NUMBERS COMPARED.							ADMITTED.				Expelled.		COST.
									Total Number in School.							Boys.		Adults.				
	1st Class.	2d Class.	3d Class.	4th Class.	5th Class.	6th Class.	7th Class.	Total Number in Classes.	Teachers.	Boys.	Adults.	Total.	Last Report.	Increase.	Decrease.	Who could Read.	Who could not Read.	Who could Read.	Who could not Read.	Boys.	Adults.	
Reading - -	14	11	9	9	8	9	9	69	–	–	–	–	–	–	–	–	–	–	–	–	–	—
Writing - -	14	11	9	9	8	7	9	67	5	34	35	74	86	–	12	1	–	–	26	–	–	—
Arithmetic - -	14	7	9	9	4	–	–	43	–	–	–	–	–	–	–	–	–	–	–	–	–	—

Evening School, Coal Mines.

DIVISIONS.	CLASSES.				NUMBERS COMPARED.						ADMITTED.		EXPELLED.
					Total Number in School.								
	1st Class.	2d Class.	3d Class.	Total Number in Classes.	Teachers.	Adults.	Total.	Last Report.	Increase.	Decrease.	Who could Read.	Who could not Read.	
Reading - -	10	8	4	22	–	–	–	–	–	–	–	–	—
Writing - -	10	8	–	18	1	22	23	24	–	1	–	–	—
Arithmetic - -	10	–	–	10	–	–	–	–	–	–	–	–	—

N. B.—The numbers in classes do not correspond with the numbers compared, because some are reading and writing, some writing and ciphering, and some only reading, consequently they are reckoned in each division.

Day School, Port Arthur:

Military Department, children - - - - 2
Civil Department - ditto - - - - 8 } 10
Total number of persons attending the schools - - 84

Day School, Coal Mines:

Military Department, children - - - - 4
Civil Department - ditto - - - - 4 } 8
Total number of persons attending the schools - - 32

Total number of persons attending the schools at Port Arthur and Coal Mines, 116.

Remarks.—The improvement of the parties in attendance at the schools, in reading, writing, and arithmetic, is considerable; especially the adults seem very desirous to learn, which is shown by their regular attendance, and great attention to their studies in school. There is a decided change in the conduct of some for the better; others, it is believed, are under good impressions, which, by the blessing of God attending our labours, it is confidently hoped will lead to happy results. The generality behave themselves in a very steady and orderly manner, which is a source of great encouragement.

(signed) *John Weatherston,* Chaplain.

HALF YEARLY REPORT of the School Establishment and Moral Conduct of the Prisoners at *Port Arthur* and *Coal Mines*, *Tasman's Peninsula*, ending 30 November 1840.

Evening School, Port Arthur.

DIVISIONS.	CLASSES.								NUMBERS COMPARED.							ADMITTED.				Expelled.		COST.
									Total Number in School.							Boys.		Adults.				
	1st Class.	2d Class.	3d Class.	4th Class.	5th Class.	6th Class.	7th Class.	Total Number in Classes.	Teachers.	Boys.	Adults.	Total.	Last Report.	Increase.	Decrease.	Who could Read.	Who could not Read.	Who could Read.	Who could not Read.	Boys.	Adults.	
Reading - -	10	10	12	14	8	14	–	68	–	–	–	–	–	–	–	–	–	–	–	–	–	—
Writing - -	10	10	12	14	8	14	6	74	10	42	36	88	86	2	–	3	–	24	–	–	–	—
Arithmetic - -	10	10	12	6	8	–	–	46	–	–	–	–	–	–	–	–	–	–	–	–	–	—

Evening School, Coal Mines.

DIVISIONS.	CLASSES.				NUMBERS COMPARED.						Admitted.		Expelled.	COST.
					Total Number in School.									
	1st Class.	2d Class.	3d Class.	Total Number in Classes.	Teachers.	Adults.	Total.	Last Report.	Increase.	Decrease.	Who could Read.	Who could not Read.	Adults.	
Reading - -	The school has declined in consequence of there being no person to conduct it.													
Writing - -														
Arithmetic - -														

N. B.—The numbers in classes do not correspond with the numbers compared, because some are reading and writing, some writing and ciphering, and some only reading, consequently they are reckoned in each division.

Day School, Port Arthur:

Military Department, children - - - - 3
Civil Department - ditto - - - - 10 } 13
Total number of persons attending the schools - - 101

Day School, Coal Mines:

Military Department, children - - - - - —
Civil Department - ditto - - - - - —
Total number of persons attending the schools - - —

Total number of persons attending the school at Port Arthur, 101.

Remarks.—That the schools on this settlement have been of great benefit during the past year is beyond a doubt, but it is equally certain that they have not been so efficient as they would have been had we been furnished with the necessary books. Many of the men would attend, but when urged to it, inquire what benefit they could derive by attending, when we have not books from whence they could learn. When we have occasion for teachers, and applied to those whom we have thought capable of giving instruction, the reply has been, procure suitable books, and we shall willingly render assistance. Our evening adult school would soon be in a much more vigorous state had we a good supply of Guy's or Vyse's Spelling-books, Walkingame's, Hutton's or Bonnycastle's Tutor's Assistants, with a number of table cards and slip copies. It is also truly desirable that the library should be supplied with 150 or 200 small volumes on various subjects for the general use of the men.

(signed) *John A. Manton*, Chaplain.

(No. 2.)

RETURN of various Particulars connected with *Port Arthur*, Number of Convicts remaining, Number received, Number sent up for Good Behaviour; also the Number of Deaths, and the Proportion to the whole Convict Population each Year, during 1839 and 1840.

Years.	Number of Convicts remaining.	Number of Convicts received.	Number of Convicts sent up for Good Behaviour.	Proportion to the Whole Number.	Number of Deaths.	Proportion.
1839 - - -	964	415	417	1 in 2 nearly	8	1 in 120
1840 - - -	1153	652	433	1 in 3 -	14	1 in 82

RETURN showing the Number of Boys, Number Landed, and the Number of Deaths, at the Juvenile Establishment, *Point Puer*; also the Employment of the Boys, and the Value of their Work, during the Years 1839 and 1840.

Years.	Total Number of Boys at end of the Year.	Number Landed in each Year.	Number Died in each Year.	Value of Work. Carpenters.	Value of Work. Blacksmiths.	Value of Work. Shoemakers.	Value of Work. Tailors.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.
1839 -	488	217	3	467 10 10	103 - -	698 - -	392 14 8
1840 -	494	174	14	466 9 10	103 18 8	813 - 10	432 19 4

Value of Work. Sawyers.	Value of Work. Stonecutters.	Value of Work. Coopers.	Value of Work. Quarriers.	Value of Work. Labourers.	Total Value of Labour.	Years.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
347 8 -	544 4 -	164 14 8	232 8 4	1,222 13 8	4,172 14 2	1839.
466 9 4	409 13 4	247 13 4	372 12 6	1,387 17 4	4,700 12 6	1840.

Minimum age of boys received during 1839 - - - - 11
Maximum age of boys received during 1839 - - - - 19
Minimum age of boys received during 1840 - - - - 13
Maximum age of boys received during 1840 - - - - 15

RETURN of the Number of Diseases treated at the Hospital, *Port Arthur*, together with the Number of Deaths during the Years 1839 and 1840.

DISEASES.	1839.		1840.	
	CASES TREATED.	DEATHS.	CASES TREATED.	DEATHS.
Abscessus	26	-	45	
Ambustio	27	-	30	
Ascarides	58	—		
Anorexia	10	-	6	
Asphaxia	1	—		
Amygdalites	2	—		
Acdema	12	-	14	
Apoplexia	-	-	3	
Asthma	8	-	15	
Amputatio	-	-	4	
Anchylosis	2	—		
Anthrax	1	—		
Anasarca	-	-	3	
Bubo Injuria	2	-	3	
———	10	-	11	
Bronchitis	12	-	6	4
—— Cronica	2	1		
Biliary Derangement	2	—		
Catarrhus	254	-	724	1
Colica	29	-	35	
Contusio	110	2	437	1
Cynanche Tonsillaris	20	-	80	
Cephalalgia	45	-	218	
Cerumin Auris	4	—		
Cardialgia	11	-	5	
Cholera	4	-	2	
Carditis	3	-	5	
Debilitas	73	-	219	
Diarrhœa	120	-	674	
Dyspepsia	47	-	133	
Dentitio	6	-	22	
Dysuria	7	-	15	
Diabetis	-	-	3	
Dysenteria	19	-	91	8
Dyspnœa	2	-	3	
Dysmenorrhea	-	-	1	
Eruptio	50	-	82	
Epilepsia	23	-	14	
Excoratio	26	-	22	
—— Penis	2	—		
Enteritis	-	-	3	1
Eczema	2	—		
Erysipelas	-	-	2	
Epistaxis	23	-	6	
Flagellatio	108	-	335	
Febris	77	2	149	8
—— Intermittens	1	-	2	
Fistula in Ano	-	-	8	
Furunculus	130	-	146	
Fistula in Perinæa	2	—		
—— Lachrymalis	1	—		
Fractura	14	-	34	
Gonorrhœa	12	-	5	
Gastro Enteritis	5	—		
Gastrodynia	15	2	22	

(*continued*)

VAN DIEMEN'S LAND.

DISEASES.	1839.		1840.	
	CASES TREATED.	DEATHS.	CASES TREATED.	DEATHS.
Hemorrhois	37	-	26	
Hemorrhagia	5	—		
Hermia	26	-	24	
Hysteritis	1	-	1	
Herpes	13	-	24	
—— Circinatus	3	—		
Hepatitis Chronica	5	-	15	
Hemoptysis	-	-	8	
Hemiplegia	1	1	—	
Hematunsis	1	—		
Icterus	4	1	8	
Ischuria	-	-	5	
Injuria	3	—		
Lumbago	44	-	40	
Morbus Cordis	29	1	44	
—— Oculorum	137	-	308	
—— Coxarius	-	-	1	
Mania	-	-	1	
Noli me Tangere	3	-	5	
Nyctalopia	18	-	22	
Obstipatio	229	-	571	
Otitis	54	-	21	
Odontalgia	87	-	132	
Phlegmon	207	-	722	
Paronychia	52	-	106	
Psora	100	-	120	
Pedicula	49	-	98	
Purpura	2	-	11	
Pyrosis	9	-	18	1
Pleurodynia	19	-	30	
Puraphymosis	3	-	6	
Peritonitis Chronica	2	1	2	
Phthisis	1	1		
Pneumonia	5	-	4	2
Pernia	15	-	15	
Palpitatio Cordis	2	-	10	
Rheumatisms	86	-	156	
Parturitio	-	-	1	1
Retentia Urinæ	22	-	3	
Sublaxatio	81	-	227	
Scorbutus	94	-	307	
Strictura Urethræ	20	-	22	
Scabies	13	-	1	
Splenitis	4	-	3	
Scrofula	1	-	18	
Testitis	67	-	13	
Tinea Capitis	10	-	12	
Tumor	8	-	18	
Ulcus	265	-	862	
Vulnus	125	-	471	
—— Contus	13	-	2	
Vertigo	27	-	25	
Vesicatio	14	-	36	
Verruca	6	-	5	
Vermes	-	-	76	
TOTALS	3,442	12	8,293	28

RETURN showing the AMOUNT of LABOUR expended (reduced to Weeks) at *Port Arthur*, and the Value of such Labour during each Year, viz. 1839 and 1840.

OCCUPATION.	Value of One Week's Work.	1839.		1840.	
		Labour in Weeks.	Value of Labour.	Labour in Weeks.	Value of Labour.
	£. s. d.		£. s. d.		£. s. d.
Blacksmiths - -	– 17 –	541 5/6	460 11 2	517 5/6	440 3 2
Brickmakers - -	– 15 –	862 3/6	646 10 –	1,251 2/6	938 10 –
Carpenters, Turners, and Wheelwrights -	– 18 –	803 5/6	723 9 –	813	731 4 –
Chain-gangs, and other Labourers - -	– 4 –	30,473 3/6	6,094 14 –	35,277 1/6	7,055 8 8
Charcoal Burners -	– 10 –	379 2/6	189 13 4	404 5/6	202 8 4
Gardeners - - -	– 7 –	2,447 2/6	856 11 4	3,758 1/6	1,317 19 8
Masons and Bricklayers	– 15 –	1,826 5/6	1,370 2 6	1,691 5/6	1,268 17 6
Shipwrights - -	– 18 –	2,683 2/6	2,414 14 –	3,724 3/6	3,352 1 –
Sawyers - - -	– 15 –	1,196 4/6	897 10 –	1,657 4/6	1,243 5 –
Shoemakers - -	– 11 –	2,488 1/6	1,368 9 10	2,336 3/6	1,285 1 6
Splitters - - -	– 10 –	315 2/6	157 13 4	308 1/6	154 1 8
Miners - - -	– 15 –	1,243 2/6	932 10 –	820	615 – –
Tailors - - -	– 8 –	273 3/6	149 8 –	256 4/6	102 13 4
TOTALS - - -	- -	- - -	16,261 16 6	- - -	18,706 13 10

RETURN showing the Value of LABOUR, Value of EXPORTS from, and the Value of Shipwrights' Work done in, the *Port Arthur* Settlement during the Years 1839 and 1840.

YEARS.	Value of Labour.	Value of Exports.	Value of Shipwrights' Work.
	£. s. d.	£. s. d.	£. s. d.
During the year 1839 - - - - -	16,261 16 6	5,322 16 3	822 8 4
During the year 1840 - - - - -	18,706 13 10	5,109 16 8½	985 3 4

RETURN showing the Quantity of TIMBER cut and its Distribution at *Port Arthur* during the Years 1839 and 1840.

PERIOD.	Total Feet Cut.	Total Exported.	Total used on Settlement and on Hand.
During the year 1839 - - - - -	356,521	150,309	206,212
During the year 1840 - - - - -	402,372	314,724	87,648

VAN DIEMEN'S LAND.

LAND in Garden Cultivation, its Produce and Value, at *Port Arthur*, during the Years 1839 and 1840.

Years.	Land in Cultivation.	Produce.	Number of Pounds.	At per Pound.	Amount.
	Acres.				£. s. d.
1839	40	Cabbage, potatoes, &c.	351,055½	½ *d.*	733 11 –
1840	50*	Wheat	23,280	at 10 *s.* per bushel.	194 – –
		Cabbage, potatoes, &c.	299,580½	½ *d.*	624 2 6½

* Including the ground at Point Puer, but the value is not given here; it is in p. 106* of this Enclosure.

RETURN showing the VALUE of EXPORTS from *Port Arthur* during the Years 1839 and 1840.

ARTICLES, &c.	1839.				1840.			
	Quantity.	Value.			Quantity.	Value.		
		£.	*s.*	*d.*		£.	*s.*	*d.*
Boots, mud, at 45 *s.*	3	6	15	–	—			
Boots, men's, at 4 *s.*	5,020	1,014	–	–	1,115	223	–	–
Boots, women's, at 3 *s.*					442	66	6	–
Boots, at 4 *s.* 6 *d.*	188	42	6	–	—			
Boots, boys', at 2 *s.* 6 *d.*					83	10	7	6
Boots, men's, at 9 *s.*	64	28	16	–	—			
Breakers, water	9	2	5	–	—			
Bricks	30,000	30	–	–	33,000	33	–	–
Coals	9,148	2,394	5	–	10,433½	2,736	–	–
Coats, watchmen's	34	6	16	–	—			
Iron work for Semaphore		33	4	–	—			
Laths	11,000	11	–	–	2,000	20	–	–
Posts	634	34	1	5½	—			
Potatoes		203	2	2	9,660	20	2	6
Rails	437	10	18	6	—			
Rushes	3,030	67	13	4	—			
Shingles	443,000	221	10	–	176,000	88	–	–
Timber	150,309	601	4	8½	314,724	1,258	17	11
Turnips	14,040	20	18	4	—			
Tiles, flat and gutter	12,170	279	8	2	40	1	–	–
Wood, fire	90	41	–	–	206	98	4	–
Wheat					23,280	194	–	–
Straw					2½	7	10	–
Leather clothing					20	13	13	4
Paid into the military chest for schooling to free children, and boots and shoes to civil officers		273	12	7		339	15	5½
TOTALS		5,322	16	3		5,109	16	8½

RETURN of SHIPWRIGHTS' WORK at *Port Arthur* during the Years 1839 and 1840.

1839:

During this year five whale-boats were built at the dock-yard, value 106 *l.*, one buoy boat, strongly built, decked, &c. value 110 *l.* 19 *s.* 8 *d.*, one steam-vessel, with two tug-boats, value 357 *l.* 12 *s.* 6 *d.*, one flag-staff, with hooks, eyes, &c. value 8 *l.* 14 *s.* 6 *d.*, materials, iron-work, &c., and repairs to Government vessels, value 239 *l.* 1 *s.* 8 *d.*, making the total for the year — £. 822 s. 8 d. 4

1840:

During this year 18 whale-boats were built at the dock yard, value 480 *l.*, five buoys, value 48 *l.*, thirty-six davits, value 28 *l.* 16 *s.*, repairs to schooner Gem, 11 *l.* 17 *s.* 8 *d.*, materials, &c. and various repairs to settlement boats and launches, as also to the Government vessels, making the total for the year — £. 985 s. 3 d. 4

A barque now building at the dock-yard will shortly be launched, it is consequently not charged for 1840.

RETURN showing the Total VALUE of LABOUR and the Produce of Government Gardens, including *Point Puer*, for the Years 1839 and 1840.

PERIOD.	VALUE OF LABOUR.			VALUE OF VEGETABLES.		
	Port Arthur.	Point Puer.	TOTAL.	Port Arthur.	Point Puer.	TOTAL.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
During year 1839 -	16,261 16 6	4,172 14 2	20,444 10 8	733 11 –	165 – –	898 11 –
During year 1840 -	18,706 13 10	4,700 12 6	23,407 6 4	818 2 6½	271 – 7½	1,089 3 2

(signed) *Charles O'Hara Booth*, Com.

RETURN of MEN remaining at *Port Arthur, Tasman's Peninsula*, Number discharged, also Number of Deaths, and Proportion to the whole Strength.

YEAR.	Number remaining.	Number received.	Number sent down a second time.	Number sent up for Assignment.	Number of Deaths.	PROPORTION.
1840 - - - -	1,153	652	129	433	28*	Nearly 1⅔ per Cent.

* The Number of Deaths includes the whole strength of the Prisoner Population. Average 1650.

RETURN of various Particulars connected with the Penal Settlement on *Tasman's Peninsula*, for the Year 1840.

Port Arthur, 1 January 1841.

PERIOD.	Value of Labour.	Value of Exports.	Value of Shipwrights' Work.	Value of Garden Produce.	Value of Coals exported.	Value of Boots and Shoes made for Civil Officers.	Value of Schooling Free Children.	Amount of Loans to Civil Officers of Mechanics, &c.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
During Year 1840 -	18,706 13 10	4,856 1 4½	985 3 4	818 2 6½	2,753 – –	267 7 4	20 10 –	51 18 1½

NUMERICAL RETURN, showing Distribution of OFFENCES tried at *Port Arthur, Tasman's Peninsula*, during the Year 1840.

No. of Cases, 1,728 - - -	Of whom were tried once	- - -	320	- - -	320
	— twice	- - -	154	equal to - -	308
	— 3 times	- - -	100	— - -	300
	— 4 —	- - -	58	— - -	232
	— 5 —	- - -	31	— - -	155
	— 6 —	- - -	16	— - -	96
	— 7 —	- - -	9	— - -	63
	— 8 —	- - -	12	— - -	96
	— 9 —	- - -	3	— - -	27
	— 10 —	- - -	3	— - -	30
	— 11 —	- - -	3	— - -	33
	— 12 —	- - -	3	— - -	36
2,320 John Bird, "Norfolk" -	— 14 —	- - -	1	— - -	14
963 James Travis, "Asia" (4) -	— 18 —	- - -	1	— - -	18
	Number of Men	- - -	714	Offences - -	1,728

RETURN showing the Number of CONVICTS Tried at the Penal Settlement on *Tasman's Peninsula*, during the Year 1840, and Nature of Punishment.

PERIOD.	Strength at end of the Year.	Total Tried.	Corporal Punishment.	Chain Gangs.	Solitary Confinement.	Reprimanded.	Committed for Trial.	Original Sentence extended.	Recommended to be detained at Port Arthur.	Dismissed the Police.	Crime Class, Female House of Correction.	Struck off Miners Scale of Rations.	Acquitted.	Hard Labour, House of Correction, Male.	Total Number of Stripes inflicted.
1840 -	1,153	1,728	344	333	498	103	3	4	13	1	5	1*	17	5†	11,142

* Miners. † Five men belonging to Whaling Stations.

Port Arthur, 1 January 1841.

WEEKLY STATE of the Prisoner Population on *Tasman's Peninsula*.

PORT ARTHUR.						At Recherche Bay New Coal Mines.	TOTAL on Port Arthur Register.	POINT PUER.		Boats' Crews, not under Punishment.	Constables.	Females.	GRAND TOTAL.
Men not under Punishment.	Men under Punishment.	Boys under Punishment. Learning Trades.	Boys under Punishment. Labouring.	Boys Transferred. Learning Trades.	Boys Transferred. Labouring.			Men not under Punishment, employed as overseers.	Boys.				
10	1,005	16	8	15	22	57	1,133	20	494	14	26	5	1,692

1 Boy transferred from Point Puer.	Port Arthur:	No. 1 Scale	1
		No. 2	6
		No. 3	739
		Solitary	8
		Boys learning Trades	31
		In Hospital	10
	Coal Mines:	No. 1 Scale	8
		No. 2	2
		No. 3	243
Absconded, 3.	Point Puer:	Men, 2	21
		— 3	27
		Boys, 2	30
		— 3	452
		In Hospital	12
	At Recherche Bay (New Coal Mines)		57
	Boats' Crews		14
	Constables		26
	Female Assigned Servants		5
		TOTAL	1,692

RATIONS.

Daily:

1 $\frac{4}{16}$ lb. flour, 12 per cent.
8 oz. rice.
1 oz. sugar.
8 oz. potatoes, or 1 lb. green vegetables.
$\frac{3}{4}$ lb. fresh or salt beef, or
$\frac{1}{2}$ lb. salt pork.
$\frac{1}{2}$ oz. salt.
$\frac{1}{2}$ oz. soap.

APPROPRIATION.

1 $\frac{4}{16}$ flour made into 1 $\frac{12}{16}$ bread.

Breakfast - - { 9 $\frac{1}{4}$ oz. bread. / 3 $\frac{1}{2}$ oz. rice / $\frac{1}{2}$ oz. sugar.

Dinner - - { 9 $\frac{1}{2}$ oz. bread. / $\frac{1}{2}$ lb. potatoes, or 1 lb. green vegetables. / $\frac{3}{4}$ lb. fresh or salt beef, or $\frac{1}{2}$ lb. salt pork.

Supper - - - { 9 $\frac{1}{2}$ oz. bread. / 3 $\frac{1}{2}$ oz. rice / $\frac{1}{2}$ oz. sugar } made into 1 $\frac{1}{2}$ pint.

N. B.—One oz. rice is used in making 1 $\frac{1}{2}$ pint of soup for dinner for each man.

No. 2 SCALE.

Those individuals not under punishment, who receive tea and sugar in addition to the above ration, have 1 pint of tea to breakfast and also to supper, made from $\frac{1}{2}$ oz. tea and 1 $\frac{1}{2}$ oz. of sugar, viz.

Samuel Kirkby, learning the trade of a shipwright,
James Probyer, invalid, recommended by a medical board,
1 schoolmaster and three writers; also
1 signal man at Hope Beach, or Mount Augustus, and
2 overseers serving for indulgence.

Superintendent's Office, Port Arthur,
1 January 1841.

(signed) *Charles O'Hara Booth.*

(No. 4.)

RETURN of various Particulars connected with the JUVENILE ESTABLISHMENT, *Point Puer*, for the Year ending 31st December 1840.

ESTIMATED Value of Labour.

DENOMINATION.	Total Number of Days.	Reduced to Weeks.	Rate per Week.	Amount for the Year.
			s. d.	£. *s. d.*
Shoemakers	19,513	3,252 1/6	5 –	813 – 10
Tailors	12,989	2,164 5/6	4 –	432 19 4
Sawyers	6,997	1,166 1/6	8 –	466 9 4
Coopers	3,700	619 1/6	8 –	247 13 4
Carpenters	7,997	1,332 5/6	7 –	466 9 10
Blacksmiths and Nailors	3,118	519 4/6	4 –	103 18 8
Quarriers	8,943	1,490 1/2	5 –	372 12 6
Stonecutters	6,145	1,024 1/6	8 –	409 13 4
Labourers	83,264	13,877 2/3	2 –	1,387 15 4
		TOTAL £.		4,700 12 6

RETURN of the Number of BOYS remaining at the Juvenile Establishment; Number discharged, also the Number of Deaths, and the Proportions to the whole Strength.

Year.	Number of Boys remaining.	Number of Boys received.	Number sent down a Second Time.	Number removed to Port Arthur.	Number removed to Hobarton Hospital.	Number sent up for Assignment.	Proportion to the whole Number.	Number of Deaths.	Proportion.
1840	494	174	- -	17	5	132	26 1/2 per cent.	14	2,836, or nearly three per cent.

SYNOPSIS of various Particulars connected with the Juvenile Establishment, *Point Puer*.

Year.	Number of Boys received during the Year.	Number who could Read on landing.	Number who could not Read on landing.	Number taught to Read since.	Number who could Read and Write.	Number who could not Read and Write.	Number taught to Read and Write since.	Maximum Age of Boys received.	Minimum Age of Boys received.
1840	174	134	40	36	49	125	119	18	10

LAND in CULTIVATION; its Produce and Value during the Year 1840.

YEAR.	LAND IN CULTIVATION.	PRODUCE.	NUMBER OF POUNDS.	AT PER POUND.	AMOUNT.
	acres. roods.			*s. d.*	£. *s. d.*
1840	10 0	Potatoes Cabbage	25,303 1/2 104,792	– –1/2	271 – 7 3/4

VAN DIEMEN'S LAND.

RETURN showing the Quantity of TIMBER Cut, and its Distribution at *Point Puer*, from 1 January to 31 of December 1840 inclusively.

PERIOD.	Total Number of Feet Cut.	Total Number of Feet supplied to Port Arthur.	Expended, and on Hand.
1840 - - - - - - -	50,372	5,266	45,106

RETURN showing the NUMBER Punished, and NATURE of Punishment, during the Year 1840.

PERIOD.	Strength at End of the Year.	Total Offences Tried.	Number received Corporal Punishment.	Number sentenced to Solitary Confinement.
1840 - -	494	1,011	294	677 *

Reprimanded.	Recommended to be removed to Port Arthur.	Original Sentence Extended.	Acquitted.	Total Number of Stripes Inflicted.
* 20	18	1	1	5,741

NUMERICAL RETURN showing the Distribution of OFFENCES Tried at *Point Puer, Tasman's Peninsula*, during the Year 1840.

No. of Cases - - 1,011.				Equal to
Of whom were tried - - - - - - - - - - - -	once -	139	- -	139
Ditto - - - - - - - - - - - - -	twice -	79	- -	158
Ditto - - - - - - - - - - - - -	3 times,	44	- -	132
Ditto - - - - - - - - - - - - -	4 —	27	- -	108
Ditto - - - - - - - - - - - - -	5 —	15	- -	75
Ditto - - - - - - - - - - - - -	6 —	17	- -	102
Ditto - - - - - - - - - - - - -	7 —	5	- -	35
Ditto - - - - - - - - - - - - -	8 —	7	- -	56
Ditto - - - - - - - - - - - - -	9 —	3	- -	27
Ditto - - - - - - - - - - - - -	10 —	5	- -	50
Ditto - - - - - - - - - - - - -	11 —	6	- -	66
Ditto - - - - - - - - - - - - -	13 —	1	- -	13
480. William Newton, Pyramus - - - -	tried - -	15 —	1 - -	15
2,657. William Satturley ditto - - - - -	ditto - -	16 —	1 - -	16
2,755. William Burke, Royal Sovereign - -	ditto - -	19 —	1 - -	19
	Number of Boys - -		351	
	Number of Offences - -			1,011

YEARLY RETURN of WORK performed at the Juvenile Establishment, *Point Puer*, and showing the Valuation thereof.

AVERAGE DAILY STRENGTH.	WORK DONE, &c. &c.		AMOUNT.		
61	SHOEMAKERS:	each	£.	s.	d.
	Making 8 pairs of Wellington boots	at 11/	4	8	–
	21 — Blucher ditto	5/	5	5	–
	38 — lace ditto	5/	9	10	–
	2 — water-tight ditto	5/	–	10	–
	6 — women's	4/6	1	7	–
	28½ — lady's shoes	2/	2	17	–
	33 — children's boots and shoes	2/	3	6	–
	1 — goloshes	5/	–	5	–
	1 — lady's clogs	3/	–	3	–
	4 — gentlemen's tie-shoes	4/6	–	18	–
	3,292 — men's shoes	3/	493	16	–
	Repairing 4 pairs of Blucher and half-boots	2/6	–	10	–
	1½ — Wellington ditto	5/	–	7	6
	16 — civil officers' shoes	1/6	1	4	–
	367½ — men's shoes	1/3	9	3	9
	Closing 5,578 pairs of men's shoes	/6	139	9	–
	TOTAL £.		672	19	3
44	TAILORS:	each			
	Making 527 cloth jackets	at 1/6	39	10	6
	683 leather ditto	1/	34	3	–
	789 pairs of trowsers	1/	39	9	–
	418 — braces	/1	1	14	10
	98 leather caps	/3	1	4	6
	664 towels	/1	2	15	4
	50 handkerchiefs, hemmed	/1	–	4	2
	Re-making 33 cloth jackets	1/	1	13	–
	412 pairs of trowsers	1/	20	12	–
	989 waistcoats	/6	24	14	6
	Repairing 3,653 jackets	1/½	22	16	7½
	6,210 pairs of trowsers	1/½	38	16	5
	1,116 waistcoats	/1	4	13	–
	6 caps	/1	–	–	6
	3,151 shirts	/1	13	2	7
	TOTAL £.		245	9	11½
22	SAWYERS:				
	Sawing 50,372 feet of timber, at 8/ per 100 feet		201	10	–
	COOPERS:	each			
	Making 6 buoys, 5 feet deep	at 3 *l.*	18	–	–
	6 ditto, 2 ditto	at 1 *l.* 5 *s.*	7	10	–
	206 buckets	at 1/6	15	9	–
	6 ditto, sinking	5/	1	10	–
	24 bungs	/1	–	2	–
	58 casks	5/	14	10	–
	107 mess kits	/8	3	11	4
	13 piggins	/8	–	8	8
	51 mess and wash-tubs	2/3	5	14	9
	109 urinals	1/	5	9	–
	1 copper cover	—	–	2	–
	Repairing 78 buckets	/3	–	19	6
	569 casks	/4	9	8	–
	541 mess kits	/2	4	10	2
	5 piggins	/2	–	10	–
	148 mess and wash tubs	/6	3	14	–
	1 bath tub	—	–	5	–
	68 urinals	/6	1	14	–
	Sawing, splitting, and dressing a quantity of lightwood wattle and myrtle staves 198½ weeks, at 8/ per week		79	8	–
	TOTAL £.		172	6	3

AVERAGE DAILY STRENGTH.	WORK DONE, &c. &c.	AMOUNT. £. s. d.
	BLACKSMITHS AND NAILERS:	
	Making 216 awls, shoemakers' - - - - at 1/ p' doz.	– 18 –
	1 auger - - - - - - 3/ each	– 3 –
	10 axes - - - - - - 2/ –	1 – –
	2 pair of arms, cart - - - - 6/ –	– 12 –
	24 bolts, various - - - - - /2 –	– 4 –
	10 ditto, gate - - - - - /3 –	– 2 6
	4 ditto, door - - - - - /3 –	– 1 –
	11 ditto, plate - - - - - /9 –	– 8 3
	55 ditto, bars - - - - - /3 p' doz.	– 1 1¼
	24 ditto, bakers' peels - - - - /1½ each	– 3 –
	5 ditto, barrow - - - - - /4 –	– 1 8
	58 ditto and nuts - - - - - /3 –	– 14 6
	2 bolt plates - - - - - /2 –	– – 4
	2 bars, crow - - - - - 2/6 –	– 5 –
	3 ditto, chimney - - - - - 1/6 –	– 4 6
	13 ditto furnace - - - - - /6 –	– 6 6
	1 basil log - - - - - - 2/6 –	– 2 6
	1 bodkin, basket-makers' - - - /3 –	– – 3
	1 beating-iron, ditto - - - - /1 –	– – 1
	7 lbs. of chain links - - - - /6 –	– 3 6
	10 ditto - - log - - - - /9 –	– 7 6
	8 catches, gate - - - - - 1/ –	– 8 –
	1 cleaver, meat - - - - - 1/6 –	– 1 6
	4 chisels - - - - - - /4 –	– 1 4
	19 clamps - - - - - - /3 –	– 4 9
	2 dogs, sawyers' - - - - - /9 –	– 1 6
	7 drivers, coopers' - - - - 1/ –	– 7 –
	27 gudgeons - - - - - - 1/ –	– 2 3
	13 ferules - - - - - - /1 –	– 1 1
	9 figure brands - - - - - /6 –	– 4 6
	2 hoops, saw-box - - - - - /2 –	– – 4
	2 ditto, pump-box - - - - - /6 –	– 1 –
	4 hasps, - - - - - - /3 –	– 1 –
	26 holdfasts - - - - - - /3 –	– 6 6
	164 tub handles - - - - - /6 –	4 2 –
	1 handle, door - - - - - /6 –	– – 6
	1 ditto, grindstone - - - - 1/ –	– 1 –
	1 ditto, pot - - - - - - /6 –	– – 6
	6 ditto, saw - - - - - - /6 –	– 3 –
	47 hoes, garden - - - - - 1/ –	2 7 –
	22 ditto, eyes - - - - - - /4 –	– 7 4
	11 hooks (S) - - - - - - - -	– – 11
	20 hooks, hinge - - - - - - /2 –	– 3 4
	11 ditto, lamp - - - - - - /1 –	– – 11
	9 pairs of hinges, gate - - - 2/ –	– 18 –
	20 — butt - - - - /6 –	– 10 –
	11 — T - - - - /6 –	– 5 6
	2 — box - - - - /6 –	– 1 –
	7 — and hooks - - - 1/8 –	– 11 8
	1 — H. - - - - 2/ –	– 2 –
	7 hammers, bench - - - - 1/ –	– 7 –
	1 — smiths' - - - - 1/ –	– 1 –
	3 — nailers' - - - - 1/ –	– 3 –
	1 — sett - - - - - 1/6 –	– 1 6
	13 — stone - - - - - 1/6 –	– 19 6
	1 — coopers' - - - - 1/ –	– 1 –
	2 knives, coopers' splitting - - - 2/ –	– 4 –
	1 — cooks' - - - - - 1/ –	– 1 –
	10 keys, saw - - - - - 1/6 –	– 15 –
	1 ditto, lock - - - - - /4 –	– – 4
	6 latches - - - - - - /4 –	– 2 –
	1 ladle - - - - - - 1/ –	– 1 –
	2 line-pins, masons' - - - - /3 –	– – 6
	8 linch-pins - - - - - /3 –	– 2 –
	2 lamps - - - - - - /6 –	– 1 –
	2 lamp-irons - - - - - /1 –	– – 2
	17 ditto wires - - - - - /1 –	– 1 5
	1 mandrill - - - - - - /2 –	– – 2
	5 mauls - - - - - - 2/ –	– 10 –
	124¾ lbs. of batten nails - - - - /4 –	2 1 7
	26½ — shingle ditto - - - - /4 –	– 8 9
	27¾ — spike ditto - - - - /4 –	– 9 3
	23¼ — clasp - - - - - /4 –	– 7 9
	34⅝ — 3 inch and 3½ inch ditto - - /4 –	– 11 6
	14½ — clout ditto - - - - /4 –	– 4 9

VAN DIEMEN'S LAND.

AVERAGE DAILY STRENGTH.	WORK DONE, &c. &c.		AMOUNT.		
	BLACKSMITHS AND NAILERS—*continued.*		£.	*s.*	*d.*
Making	37¾ lbs. of brad nails	/4 each	–	12	7
	6 pots, pint, tin	/2 –	–	1	–
	3 punches	/1 –	–	–	3
	2 plates to landing skids	/6 –	–	1	–
	18 picks	2/ –	1	16	–
	2 plates, barrow	/2 –	–	–	4
	1 plate, cart	/4 –	–	–	4
	33 rings	/2 –	–	5	6
	3,012 rivets, coopers', 125½ lb.	/4 –	2	1	10
	126 ditto, spade	/6 p' doz.	–	5	3
	30 ditto, bolt	/1 each	–	2	6
	1 spindle grindstone	1/ –	–	1	–
	18 screws, plane iron	/1 –	–	1	6
	1 ditto, hand	/2 –	–	–	2
	57 staples, various	/1 –	–	4	9
	6 ditto, barrow	/1 –	–	–	6
	2 scrapers, oven	/8 –	–	1	4
	5 shaves, spoke	1/ –	–	5	–
	1 sliding iron, coopers'	/6 –	–	–	6
	16 spikes, harrow	/2 –	–	2	8
	14 standards, cart, double	1/6 –	1	1	–
	2 ditto, ditto, single	1/ –	–	2	–
	4 ditto, plates	/4 –	–	1	4
	1 skimmers, cooks'	/3 –	–	–	3
	8 straps, harness, cask	2/ –	–	16	–
	254½ lbs. sprigs	/4 –	4	4	10
	12 pairs tong bits	1/ –	–	12	–
	7 tillers, saw	1/6 –	–	10	6
	4 ditto, cheeks	/4 –	–	1	4
	1 tree axle	5/ –	–	5	–
	642 tacks	/4 p' 100.	–	2	1½
	60 ditto, shoemakers', steel	/6 p' doz.	–	2	6
	2 fire irons	2/6 each	–	5	–
	2 tools, nailers'	1/ –	–	2	–
	1 tube, iron	2/6 –	–	2	6
	99 wedges, quarries	/3 –	–	4	9
	11 washers	/6 –	–	5	6
	6 wheel-naves, hooped	2/6 –	–	15	–
	2 ditto, cart, ditto	4/ –	–	8	–
	1 ditto, barrow, ditto	1/ –	–	1	–
Repairing	14 axes	/6 –	–	7	–
	2 ditto, steeled	/9 –	–	1	6
	3 ditto, coopers'	/9 –	–	2	3
	1 basil	/6 –	–	–	6
	5 bolts, cart	/6 –	–	2	6
	1 cart arm	1/ –	–	1	–
	1 crow-bar	/9 –	–	–	9
	1 chopper	/4 –	–	–	4
	13,980 chisels, drawn out and sharpened	/–½ –	29	2	6
	43 ditto, steeled	/4 –	–	14	4
	14 dogs, sawyers'	/3 –	–	3	6
	9 drivers, coopers'	/6 –	–	4	6
	1 door, oven	1/ –	–	1	–
	1 hinge	/3 –	–	–	3
	1 handle, pump	1/ –	–	1	–
	1 ditto, well-bucket	/6 –	–	–	6
	112 hoes, garden	/3 –	1	8	–
	10 hammers, stone, steeled	/4 –	–	3	4
	25 ditto, bench	/6 –	–	12	6
	1 key, lock	/2 –	–	–	2
	1 knife, drawing	/4 –	–	–	4
	1 ditto, splitting	/4 –	–	–	4
	3 ditto, table	/2 –	–	–	6
	155 lamps	/2 –	1	5	10
	42 ditto, wires	/1 –	–	3	6
	15 locks	/4 –	–	5	–
	40 mauls	/6 –	1	–	–
	1 pot, iron	/6 –	–	–	6
	6,433 picks, drawn out and sharpened	/1 –	26	16	1
	173 ditto, steeled	/4 –	2	17	8
	6 punches	/1 –	–	–	6
	20 pannicans	/1 –	–	1	8
	11 plane irons	/2 –	–	1	10
	3 rakes, garden	/4 –	–	1	–
	2 rakes, bakers'	/4 –	–	–	8
	131 spades	/3 –	1	12	9

AVERAGE DAILY STRENGTH.	WORK DONE, &c. &c.	AMOUNT. £.	s.	d.
	BLACKSMITHS AND NAILERS—*continued.*			
	Repairing 42 spades, rivetted - - - - at /2 each	–	7	–
	15 saws - - - - - - /4 –	–	5	–
	16 pairs of tong bits - - - - /3 –	–	4	–
	187 tillers, saw - - - - - /3 –	2	6	9
	2 tire irons - - - - - - 2/ –	–	4	–
	1 tree, axle - - - - - - 2/ –	–	2	–
	3 tools, nailers' - - - - - /3 –	–	–	9
	1 pair of wheels, hoops, cart - - - 2/6 –	–	2	6
	531 wedges - - - - - - /1 –	2	4	3
	TOTAL - - - £.	116	8	$2\frac{3}{4}$
25	CARPENTERS:			
	Making 8 boxes, pump - - - - - at 1/6 each	–	12	–
	1 board, mess - - - - - - 2/6 –	–	2	6
	62 ditto, school lesson - - - - /4 –	1	–	8
	2 ditto, bookbinders' press - - - /4 –	–	–	8
	6 barrows, wheel - - - - - 6/ –	1	16	2
	34 ditto, hand - - - - - - 4/ –	6	16	–
	8 coffins - - - - - - - 5/ –	2	–	–
	4 cart bodies - - - - - - 30/ –	6	–	–
	14 chairs - - - - - - - 6/ –	4	4	–
	12 desks, school - - - - - 30/ –	18	–	–
	2 ditto, reading hand - - - - 3/ –	–	6	
	1 door to overseer's closet - - - 5/ –	–	5	–
	5 pairs clams, shoemakers' - - - 2/ –	–	10	–
	2 forms, barrack - - - - - 6/ –	–	12	–
	101 ditto, school-room - - - - 6/ –	30	6	–
	1 pair gates, double - - - - 2 *l.*	2	–	–
	7 ditto, single - - - - - - 1 *l.* –	7	–	–
	12 gauges, carpenters' - - - - 1/ –	–	12	–
	1,400 handles, axe - - - - - /4 –	23	6	8
	1,568 ditto, hammer - - - - - /1 –	6	10	8
	1,813 ditto, maul and pick - - - - /3 –	22	13	3
	34 ditto, hoe - - - - - - /3 –	–	8	6
	2 horses' cloths - - - - - 6/ –	–	12	–
	3 ladders - - - - - - 4/ –	–	12	–
	65 masons' mallets - - - - - 1/ –	3	5	–
	13 peels, bakers' - - - - - 5/ –	3	5	–
	16 squares, masons' - - - - - 1/6 –	1	4	–
	16 straight edges, ditto - - - - /6 –	–	8	–
	9 shoemakers' seats - - - - - 1/ –	–	9	–
	14 shovels, handled - - - - - /3 –	–	3	6
	54 trussels, barrack - - - - - 5/ –	13	10	–
	12 tables, ditto - - - - - - 6/ –	3	12	–
	Repairing 254 barrows, hand and wheel - - 1/ –	12	14	–
	10 cart bodies - - - - - 5/ –	2	10	–
	5 chairs - - - - - - 1/ –	–	5	–
	3 forms, barrack - - - - - 1/ –	–	3	–
	5 peels, bakers' - - - - - 1/ –	–	5	–
	2 tables, barrack - - - - - 1/ –	–	2	–
	25 trussels, ditto - - - - - 1/ –	1	5	–
	2 shoemakers' seats - - - - - /9 –	–	1	6
	Prepared and fixed 228 parcels of palisade fencing - 6/ –	68	8	–
	Taking down, repairing, and re-fixing 96 pannels of split rail fence, at 1/ each	4	16	–
	Completing bookbinders' shop - - - - - - - -	–	15	–
	Erecting a wash-up house - - - - - - - - -	5	–	–
	Lining and covering 2 wool-holes, 12 feet by 10, and 8 feet deep, at 5 *l.* each	10	–	–
	Erecting 2 pumps - - - - - - - at 10/ each	1	–	–
	Making a frame for grindstone - - - - - - - -	–	10	–
	Prepared and fixed 100 feet of shelving in office stores and barracks - - - - - - - - - at /6 per foot	2	10	–
	Repairing and re-fixing barrack staircase - - - - -	–	5	–
	Making and fixing cupboards at the new building, hut, carpenters' and tailors' shops - - - - - - - - -	1	–	–
	Lengthening and repairing landing jetty - - - - -	1	–	–
	Making and fixing 2 new trussels to ditto - - at 1 *l.* each	2	–	–
	Making and fixing a ladder to ditto - - - - - - -	–	15	–
	Repairing the jetty palisade fence - - - - - -	–	2	6
	Preparing and fixing 1,344 superficial feet of dwarf lightwood framing, moulding the same for school-room, lining the posts, &c. at 1/ per foot	67	4	–
	Preparing and fixing 186 feet of shelving and book-case in school-room - - - - - - - - - at /3 per foot	2	6	6

AVERAGE DAILY STRENGTH.	WORK DONE, &c. &c.	AMOUNT. £.	s.	d.
	CARPENTERS—*continued.*			
	Preparing and fixing projecting eaves to ditto, 224 feet, at /6 p' foot	5	12	–
	Making and fixing frontispiece, and a pair of large folding-doors to ditto	7	–	–
	Making a table for the catechist's pew	2	5	–
	Building a shed for stonecutters	5	–	–
	Preparing and laying joists, flooring, and ceiling two rooms, 12 by 12 feet, and passage at the catechist's quarters, and partly shingling the same	15	–	–
	Prepared and fixed 100 feet of 7-inch lightwood skirting at the catechist's quarters	1	5	–
	Making and fixing 5 door frames and linings to ditto, at 10/ each	2	10	–
	Made and fixed 1 panel door, 1 *l.*; 3 rabitted doors - at 7/ each	2	1	–
	Removing and refixing a door and a window frame at ditto	–	10	–
	Throwing a lightwood arch over passage at ditto	1	–	–
	Made and fixed 2 trap-doors at ditto	1	–	–
	Making and fixing 64 feet of spouts at ditto - at 1/ per foot	3	4	–
	Prepared and fixed 100 feet of double moulded skirting at the quarters of the superintendent of the gaol - at 1/ per foot	5	–	–
	Prepared and fixed 100 feet of chair rail at ditto - at /3 per foot	1	5	–
	Making and fixing a window frame at ditto	–	5	–
	Making a sideboard for ditto	–	10	–
	Ditto, a cupboard for ditto	1	–	–
	Prepared and fixing 10 feet of shelving at ditto - at /3 per foot	–	2	6
	Making and fixing a roof to kitchen at the superintendent's quarters, 2½ squares - at 15/	2	2	6
	Making 2 batten doors for ditto - at 7/ each	–	14	–
	Ditto - 2 door jambs for ditto - at 2/6 each	–	5	–
	Ditto - 2 window frames for ditto - at 2/6 each	–	5	–
	Ditto - and fixing 1 bench for ditto	–	5	–
	Ditto - ditto - 74 feet of spouts for ditto - at 1/ per foot	3	14	–
	Ditto - ditto - 1 cupboard for ditto	1	10	–
	General repairs on the establishment not named in the above -	50	–	–
	TOTAL - - - £.	460	4	11
27	QUARRIERS:			
	Quarrying stone for building a boundary wall; flagging for school-room; rough ashler for the foundation of new buildings and jetty; flagging for the gaol, new building and point wash up places; metal for the roads, &c. &c., 1,490½ weeks, at 5/ p' week	372	12	6
20	STONECUTTERS:			
	Cutting windows and door heads and sills, hearth stones and fire-place hobs for barracks, shops, gaol, new building and office; building boundary wall; flagging school-room; building and flagging a kitchen at the superintendent's quarters; preparing and fixing a chimney piece at the catechist's quarters; lifting and relaying drains at the catechist's and superintendent's quarters; preparing and laying 1,000 feet rough flagging at new building gaol and point wash-up places; laying 400 feet of brick drain at new building; working 194 feet base course for officers' quarters; preparing ashler for jetty and proposed new buildings; taking down and refixing wash-house coppers; building chimneys to same; building the brick-work for, and fixing 3 coppers for washing up; building chimneys to same; whitewashing and repairing the brick and stone-work of the buildings on the establishment, 1,024⅙ weeks - at 8/ per week	409	13	4
279	LABOURERS:			
	Cleaning barracks, barrack furniture and utensils; sweeping yards, paths, and drains on the establishment; cooking and baking, washing shirts, duck trousers, bedding, &c.; landing, cutting and splitting firewood, and delivering the same and water to the officers' quarters, workshops, gaol, new building, and military hut; landing and carrying rations to stores, cookhouse, and bakehouse; carrying and carting bricks, stone and timber from jetty to the officers' quarters, stonecutters' shed, &c.; digging and carting loam, sand, and lime for bricklayers and masons; widening the footpaths, cutting new roads; cultivating government gardens; landing and carrying kelp for manuring ditto; clearing and breaking up ground for new government gardens; breaking stone for metal, and carting the same to roads on and near the establishment, and digging foundations for officers' quarters, &c. &c., 13,877⅔ weeks - at 2/ per week	1,387	15	4

MEMORANDUM of Particulars connected with *Point Puer*, called for by the Colonial Secretary on his visiting the Establishment with his Excellency the Lieutenant-Governor, Sir John Franklin.

Point Puer, 1 January 1841.

Number of boys never tried before a magistrate in the colony - - - - 133

Number of boys under - 15 years of age -	37
Ditto above 15 and under 16 — -	38
Ditto - 16 — 17 — -	82
Ditto - 17 — 18 — -	112
Ditto - 18 — 19 — -	119
Ditto - 19 — 20 — -	71
Ditto - 20 — 21 — -	29
21 - - - - - -	6
Total Number of Boys in the Establishment - - - - - -	494

Average age - - - 17 years.
— height - - - 5 feet.

Number of boys who will become free in the year	
1841 - - - - - - - -	2
1842 - - - - - - - -	19
1843 - - - - - - - -	46
1844 - - - - - - - -	62
1845 - - - - - - - -	135
1846 - - - - - - - -	125
1847 - - - - - - - -	17
1848 - - - - - - - -	31
1849 - - - - - - - -	29
1850 - - - - - - - -	2
1851 - - - - - - - -	5
1852 - - - - - - - -	6
1853 - - - - - - - -	2
1854 - - - - - - - -	4
Sentenced life - - - - - - -	9
Total Number in the Establishment - -	494

M. Forster, Esq., Colonial Secretary,
&c. &c. &c.

MEMORANDUM of Particulars connected with the Juvenile Establishment at *Point Puer*.

Point Puer, 6 January 1841.

Number of boys transported from	
London - - - - - - -	175
Liverpool - - - - - - -	18
Manchester - - - - - - -	29
Birmingham - - - - - - -	18
Bristol - - - - - - -	17
Various towns in England - - -	134
Dublin - - - - - - -	4
Various towns in Ireland - - -	20
Edinburgh - - - - - - -	21
Various towns in Scotland - - -	57
Natives of Van Diemen's Land - - -	1
TOTAL - - -	494

Sentenced 7 years - - - - - -	400
10 — - - - - - -	62
14 — - - - - - -	18
15 — - - - - - -	5
Life - - - - - - -	9
TOTAL - - -	494

Could read on landing - - - - -	370
Could not read on landing - - - -	124
TOTAL - - -	494

Could write on landing - - - -	139
Could not write on landing - - - -	355
TOTAL - - -	494

Could cipher on landing - - - -	83
Could not cipher on landing - - -	411
TOTAL - - -	494

Attended National school - - - -	138
British ditto - - - -	21
Sunday ditto - - - -	64
Private ditto - - - -	153
No ditto - - - - -	118
TOTAL - - -	494

Had both parents living - - - -	206
Father only - - - - - -	98
Mother only - - - - -	118
No parents - - - - - -	72
TOTAL - - -	494

Maximum age of boys on arrival - - -	18
Minimum age of boys on arrival - - -	10

DESCRIPTION of EMPLOYMENT at the Juvenile Establishment, *Point Puer*.

—	NO.	TRADES.	EMPLOYMENT.
	1	Bookbinder.	
	11	Coopers - - -	- - Splitting, preparing, and dressing light wood staves; making and preparing casks, tubs, mess-kits, &c.
	22	Carpenters - - -	- - Finishing Dr. Jeanneret's quarters and school-room; preparing palisade-fencing; making chairs, tool-handles, &c. &c.; repairing carts, hand and wheel-barrows, &c. &c.
	31	Tailors - - - -	- - Making Sunday suit for boys; making, altering, and repairing slop-clothing, shirts, caps, &c. &c.
	20	Sawyers - - -	- - Sawing timber of various descriptions for purposes required.
	58	Shoemakers - - -	- - Closing and making government and civil officers' shoes, repairing, &c.
	11	Nailers - - - -	- - Making nails and sprigs; making and repairing tools, iron-work, &c.
	17	Quarriers - - -	- - Quarrying stone for the foundations of new buildings.
	16	Stonecutters - - -	Preparing ashler for the proposed new building.
187	Trades.		
	18	Gardeners - - -	Cultivating government garden.
	7	Woodcutters - - -	- - Cutting firewood for officers' quarters, cooks' house, workshops, &c.
	63	In situations - - -	- - Ward and washhouse boys, cooks, bakers, sweepers, &c. &c.
	11	Stone-breakers - -	Breaking stone for roads.
	17	First division of labourers	
	4	Second - ditto.	
	10	Third - ditto. Fourth - ditto.	
	15	Tailors.	
145	Labouring.		
	11	In hospital.	
	8	Exempt ward.	
	2	At P. A. tried.	
	7	Confined for trial.	
	3	In solitary.	
31			
363			*Gaol Employment.*
	5	Ward boys - - -	Cleaning barracks, tables, plates, pannicans, &c.
	20	Stone-breakers - -	Breaking stones for roads.
	20	Carting stone - - -	To roads.
	30	Burning lime - - -	For new buildings.
	54	Road-making.	
	2	In solitary.	
131			
494			

Point Puer, 1 January 1841. (signed) *Charles O'Hara Booth*, Comm.

VAN DIEMEN'S LAND.

(No. 5.)

DAILY ABSTRACT of WORK performed by Gangs at *Port Arthur*, Tasman's Peninsula, 1 January 1841.

1 overseer	9 blacksmiths	- - Making and repairing tools and ironworks for the works generally.
1 overseer	27 brickmakers and labourers.	- - Making and burning bricks and tiles, labourer splitting wood for burning bricks, &c.
	4 broom-makers	- - Making brooms and mats daily for general purposes of the establishment ; infirm and aged men.
1 overseer	4 bakers	- - Making bread for civil officers, military, and prisoners.
1 coxswain	7 boat, No. 1	- - For the use of the commandant; one of the crew attending to semaphores on the Peninsula.
1 coxswain	4 boat, No. 2	- - Towing launches with stores, &c. from Government vessels; towing launches to the same with timber, &c.
1 coxswain	4 boat, No. 3	- - Conveying parties, stores, &c. for out-stations, to Long Bay.
1 overseer	17 carpenters	- - Erecting public buildings, and all work required on the establishment.
7	clerks	- - Two employed in the commandant's office, 3 superintendent's department, 1 commissariat, and 1 at the hospital.
1 overseer	3 cooks	To prisoners.
1 overseer	65 carrying gang	- - All men, on arrival, are placed in this gang, and are kept in it for periods according to the nature of the offence, or instructions received with them. The duties are of a very laborious description ; employed carrying beams, spars, and timber out of the bush, from various distances.
1 overseer	31 chain gang	- - Carting and carrying stone from quarry, distant about three quarters of a mile, to new military barracks building, and other works in progress, Point Puer, &c.
1 overseer	7 charcoal burners	- - Burning charcoal for use of the smiths' shops on the settlement at the dock-yard, and at Point Puer.
1 overseer	9 felling gang	Supplying logs for sawyers' use.
2 overseers	96 garden gang	- - This gang is formed into three divisions. The first, efficient men, employed in grubbing and clearing ground; the second, under medical treatment, employed hoeing and the lighter description of work ; the third, invalids under medical treatment, employed as most available, according to capability.
	3 gatekeepers	- - One penitentiary, 1 lumber yard, and 1 outer gate on settlement.
	4 grooms	Grooms to civil officers.
	7 gardeners	Gardeners to civil officers.
1 coxswain	3 gig	- - Conveying officers attached to Point Puer, on duty, to and from the settlement.
	hospital	One dispenser, 1 cook, 3 attendants to sick.
2 overseers	43 masons, stone-cutters, and labourers.	- - Under the directions of a free overseer, building public edifices on the Peninsula, quarrying stone ; and in this number boys are included, learning stone-cutting.
1 overseer	10 Point Puer launch	Supplying logs for sawyers' use, of Point Puer.
1 overseer	9 - ditto	Supplying Point Puer with wood daily.
1 overseer	2 - ditto	- - Supplying water to Point Puer, and conveying rations to same.
1 overseer	2 - ditto	- - Supplying Point Puer with kelp, as manure, and other duties.
1 overseer	9 road gang	- - Repairing roads leading from out-stations to the settlement.
	4 sub-constables	Employed on the settlement.
	1 schoolmaster	- - - ditto.
	3 signal-men	- - - ditto.
	18 servants	To civil officers.
2 overseers	28 sawyers	- - Cutting timber for requisitions from Hobart, and general purposes of the Peninsula.
2 overseers	52 shoemakers	- - Under the direction of two free overseers, making and repairing the prisoners' shoes on the establishment ; others exported for the use of the public works, and making for military and civil officers. Amount credited to Government in 1840, 81 *l.* 8 *s.* 1 *d.*

5 overseers -	68 shipwrights, &c. at the dockyard.	- - Under the direction of a master shipwright. The labourers of this gang are employed in a very similar manner to the carrying gang, in getting ship timbers, knees, and planks out of the bush, various distances. Shipwrights, building a new barque of 300 tons; also whale-boats, launches, &c. All description of iron-work, carpenters, &c. required for this establishment is performed by the men included in the strength of the dockyard.
1 overseer - -	6 scavengers -	Employed on the settlement.
1 overseer - -	7 splitters - -	- - Splitting shingles, paling posts, and rails for settlement purposes, and export.
1 overseer - -	26 stone-breakers; invalids.	- - Breaking stones. This gang is composed generally of men who have received slight contusions, and recommended for a time to be employed in a sedentary position.
2 overseers -	12 stone-breakers, &c., punishment gang.	- - Some of these, for security, are obliged to be worked with a log on, being habitual absconders, or men of very bad character, over whom a very strict surveillance is necessary to be kept.
	23 sick report -	9 in hospital, 14 exempt from labour.
1 overseer - -	3 tailors - -	Repairing slop clothing for prisoners.
	10 various - -	- - 1 messenger commandant's office, 2 conveying letters to and from out-stations, 1 tide, gauge and gate-keeper at Commissariat stores, 1 store porter, 1 barber to prisoners, 1 lamplighter, 1 fisherman, 1 painter, 1 schoolkeeper, 1 flagellator. The fisherman attached for the use of hospital.
2 overseers -	15 water gang -	- - This is a gang of an irksome and labourious description, always under close observation, employed in supplying the different establishments with water.
	10 watchmen -	Over the prisoners' barracks on the settlement.
1 overseer - -	4 washermen -	Washing prisoners' shirts.
1 overseer - -	28 wood gang -	- - Cutting firewood, and supplying civil officers' quarters and the other establishments on the settlement.
Employed at Out-Stations:		
	235 coal works at Coal Point.	- - 2 overseers and 25 miners employed in excavating coal equal to three tons per diem; 3 labourers are attached to each miner to convey the coal away as gutters; this is a description of labour, from its nature, found to be very much disliked and laborious, and together with those employed in drawing up the coal and water from the shaft, is made as a severer description of work; 1 overseer and 3 blacksmiths making and repairing ironwork and tools; 1 overseer and 4 carpenters erecting buildings and various works; 1 overseer and 3 splitters splitting slabs for use in mines, also shingles, posts, rails, and palings for purposes on the works; 1 overseer and 4 sawyers sawing timber for general use; 1 overseer and 4 men collecting shells, burning them into lime, and also charcoal, for general use; 2 quarrymen and 2 masons quarrying stone and building necessary edifices on the station; 10 wardsmen and watchmen over prisoners' barracks; 1 dispenser; 2 sub-constables; 1 writer; 1 barber to prisoners; 2 messengers for the conveyance of letters to the settlement; 1 overseer and 4 cooks and bakers to prisoners; 3 servants to civil officers; 1 groom, 1 woodcutter, and 1 gardener to officer in command; 2 check-keepers of coal received from miners; 2 signal-men at semaphores on the station; 7 overseers and 61 labourers are employed in bringing timber, &c. for the works, and in various ways.
	9 Eagle Hawk Neck	- - 1 lamplighter and dog-feeder, 1 baker to prisoners and military; 1 cook to prisoners, 1 signal-man at semaphore, 1 servant to officer in command, 1 hut-keeper, 3 as woodcutters.
	28 Point Puer -	- - Employed as overseers on the establishment at Point Puer.

(*continued*)

VAN DIEMEN'S LAND.

	22 Tram Road -	- - 2 overseers, 1 watchman, 1 cook, 1 messenger, any 17 labourers. These men are employed constantly in conveying stores and provisions between the bays. They are selected for steadiness of conduct, being less under observation.
	Semaphores -	- - Signal men: 1 at Signal Hill, which communicates to Woody Island, thence to Eagle Hawk Neck and Halfway Bluff, and from there to Coal Point. Another line communicates from the settlement to Mount Arthur, thence to Mount Communication, then to Mount Stuart; from there to Hope Beach and Coal Point; from Hope Beach, or properly Mount Augustus, the line connects direct with Hobart. At Fortescue Hill, on the north coast, it signalizes to the settlement direct. At each of these stations a signalman is stationed.
	10 various - -	- - One hutkeeper at Woody Island, and 1 woodcutter; 1 woodcutter at Norfolk Bay; 1 Duck Creek; 1, Signal Hill; 1, Mount Arthur; 1, Fortescue Hill; 1, Halfway Bluff; 1, Mount Communication; 1, Wedge Bay.
	6 Wedge Bay -	- - Collecting shells for burning into lime for settlement use.
	1,070	
	6 in solitary confinement.	
	57 Recherché Bay.—(11 miners, 46 labourers, &c., employed opening new coal works).	
TOTAL - -	1,133	

(signed) *Charles O'Hara Booth*, Com.

— No. 17. —

(No. 281.)

No. 17.
Lord John Russell to Sir J. Franklin.
6 August 1841.

COPY of a DESPATCH from Lord *John Russell* to Lieutenant-Governor Sir *John Franklin.*

Sir, Downing-Street, 6 August 1841.

I HAVE to acknowledge the receipt of your despatch of the 19th of January last (No. 14), with its various enclosures, containing a report on the penal establishments at Tasman's Peninsula, and recommending that, in consideration of the valuable services of Captain Booth, the commandant at that station, his salary should be increased from 300*l.* to 500*l.* per annum, with the usual forage allowance.

I transmit to you herewith, for your information and guidance, copy of a letter which I addressed to the Secretary of State for the Home Department on the receipt of your despatch. 7 July 1841.

I have to convey to you, with the concurrence of the Lords Commissioners of the Treasury, my authority for increasing the salary of Captain Booth to 500*l.* per annum, and for his receiving the usual allowance for forage.

I am, &c.

(signed) *J. Russell.*

Enclosure in No. 17.

Sir, Downing-street, 7 July 1841. Encl. in No. 17.

I AM directed by Lord John Russell to transmit to you, for the consideration of the Marquess of Normanby, the enclosed copy of a despatch from the Lieutenant-governor of Van Diemen's Land, with its various enclosures, containing a report on the penal establishments at Tasman's Peninsula.

In laying this despatch before the Marquess of Normanby, Lord John Russell directs me to request that you will state that, in his Lordship's opinion, no more convicts should for the present be sent to Norfolk Island direct from this country, that station being full; and that Lord John Russell proposes that 300 additional convicts should be sent to the island of Bermuda.

I am, &c.

S. M. Phillipps, Esq. (signed) *James Stephen.*